



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5628

Introduced 2/15/2012, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

See Index

Provides that the purpose of the Act is to ensure that children and 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. Amends the School Code and the Illinois School Student Records Act to make changes concerning definitions, the transfer of students, the suspension or expulsion of pupils, home instruction, the review and revision of policies, confidentiality, specially trained personnel, accommodations and services, alternative public schools, the identification, evaluation, and placement of children with disabilities, an exception to the prohibition on unfunded mandates, compulsory school attendance, charter schools, and the right to inspect and copy school student permanent and temporary records. Effective immediately.

LRB097 19148 NHT 64390 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 1. Purpose. The purpose of this Act is to ensure
5 that children and youth who are parents, expectant parents, or
6 the victims of domestic or sexual violence are identified by
7 schools in a manner respectful of their privacy and safety;
8 treated with dignity and regard; and provided the protection,
9 instruction, and related support services necessary to enable
10 them to meet State educational standards and successfully
11 attain a high school diploma.

12 Section 5. The School Code is amended by changing Sections
13 1-3, 10-21.3a, 10-22.6, 10-22.6a, 13A-11, 14-8.02, 22-60,
14 26-2, 26-2a, 26-3d, 27A-5, and 34-18.24 and by adding Sections
15 10-30, 10-35, 10-40, and 10-45 as follows:

16 (105 ILCS 5/1-3) (from Ch. 122, par. 1-3)

17 Sec. 1-3. Definitions.

18 (a) In this Code:

19 The terms "common schools", "free schools" and "public
20 schools" are used interchangeably to apply to any school
21 operated by authority of this Act.

22 "School board" means the governing body of any district

1 created or operating under authority of this Act, including
2 board of school directors and board of education. When the
3 context so indicates it also means the governing body of any
4 non-high school district and of any special charter district,
5 including board of school inspectors.

6 "Special charter district" means any city, township or
7 district organized into a school district, under a special Act
8 or charter of the General Assembly or in which schools are now
9 managed and operating within such unit in whole or in part
10 under the terms of such special Act or charter.

11 (b) In provisions of this Code relating to children and
12 youth who are parents, expectant parents, or victims of
13 domestic or sexual violence:

14 "At risk of academic failure" means a student who is at
15 risk of failing to meet State learning standards or failing to
16 graduate from elementary or high school and who demonstrates a
17 need for educational support or social services beyond those
18 provided by the regular school program.

19 "Domestic or sexual violence" means domestic violence,
20 sexual assault, sexual harassment, or stalking. Domestic or
21 sexual violence may occur through electronic communication.
22 Domestic or sexual violence exists regardless of when the
23 violence occurred, whether or not the domestic or sexual
24 violence is the subject of a criminal investigation or the
25 perpetrator has been criminally charged or convicted of a
26 crime, whether or not an order of protection or a no-contact

1 order is pending before or has been issued by a court, and
2 whether or not any domestic or sexual violence took place on
3 school grounds during regular school hours or during a
4 school-sponsored event. Consent to any act that may constitute
5 domestic or sexual violence means a freely given agreement to
6 the act. Lack of verbal or physical resistance or submission by
7 the victim does not constitute consent, and the manner of dress
8 of the victim does not constitute consent. For purposes of
9 children and youth asserting their rights under provisions
10 relating to domestic or sexual violence in Sections 10-21.3a,
11 10-22.6, 10-22.6a, 10-45 (verification may be required for
12 accommodations only, such as a change in classroom, not for
13 services), 26-2, 26-2a, and 34-18.24, a school district may
14 require verification. Any one of the following shall be
15 acceptable verification of a child or youth's claim of domestic
16 or sexual violence:

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

20 (2) A police report, government agency record, or court
21 record.

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

25 (4) Documentation from a lawyer, clergy person,
26 medical professional, or other professional from whom the

1 youth sought domestic or sexual violence services or
2 advice.

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

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

18 The youth may choose which form of documentation is
19 submitted as acceptable verification. A youth who has provided
20 acceptable verification that he or she is or has been a victim
21 of domestic or sexual violence shall not be required to provide
22 any additional verification if the youth's efforts to assert
23 rights under this Code stem from a claim involving the same
24 perpetrator. This applies to all schools and school districts,
25 including special charter districts and districts organized
26 under Article 33 or 34 of this Code.

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

10 "Domestic violence" means abuse, as defined in Section 103
11 of the Illinois Domestic Violence Act of 1986, by a family or
12 household member, as defined in Section 103 of the Illinois
13 Domestic Violence Act of 1986.

14 "Electronic communication" includes communications via
15 telephone, mobile phone, computer, e-mail, video recorder, fax
16 machine, telex, or pager or any other electronic communication
17 as defined in Section 12-7.5 of the Criminal Code of 1961.

18 "Equivalent educational experience" means an educational
19 experience that is designed to promote a youth's continued
20 learning and re-integration into the classroom and regular
21 education program.

22 "Expectant parent" means a student who is pregnant or a
23 student who intends to act as a parent and seeks services for
24 teen parents and who has not yet received a diploma for
25 completion of secondary education, as defined in Section 22-22
26 of this Code.

1 "Harassment" means unwelcome conduct of a sexual nature,
2 including sexual advances, requests for sexual favors, and
3 other verbal, nonverbal, or physical conduct of a sexual
4 nature, and unwelcome conduct, including verbal, nonverbal, or
5 physical conduct that is not sexual in nature, but is related
6 to a student's status as a parent, expectant parent, or victim
7 of domestic or sexual violence.

8 "Parent" means a student who is a custodial parent or a
9 noncustodial parent taking an active role in the care and
10 supervision of a child and who has not yet received a diploma
11 for completion of secondary education, as defined in Section
12 22-22 of this Code.

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

15 "Poor academic performance" means that a student has (i)
16 scored in the 50th percentile or below on district-administered
17 standardized tests; (ii) received a score on a State assessment
18 that does not meet standards in one or more of the fundamental
19 learning areas under Section 27-1 of this Code, as applicable
20 for the student's grade level; or (iii) not met grade-level
21 expectations on a district-designed assessment.

22 "School", for purposes of provisions of this Code relating
23 to children and youth who are parents, expectant parents, or
24 victims of domestic or sexual violence, means without
25 limitation (i) a public or State-operated elementary or
26 secondary school; (ii) a school operated pursuant to an

1 agreement with a public school district, including a
2 cooperative or joint agreement with a governing body or board
3 of control; (iii) a charter school operating in compliance with
4 the Charter Schools Law; (iv) a school operated under Section
5 13A-3 of this Code; (v) an alternative school operated by third
6 parties within the City of Chicago under Section 13A-11 of this
7 Code; (vi) an alternative learning opportunities program
8 operated under Article 13B of this Code; or (vii) a public
9 school administered by a local public agency or the Department
10 of Human Services operating pursuant to the authority of this
11 Code.

12 "School district", for purposes of provisions of this Code
13 relating to children and youth who are parents, expectant
14 parents, or victims of domestic or sexual violence, means any
15 public entity responsible for administering schools, including
16 districts subject to Article 33 or 34 of this Code, and
17 includes other entities responsible for administering public
18 schools, such as cooperatives, joint agreements, charter
19 schools, special charter districts, regional offices of
20 education, local agencies, and the Department of Human
21 Services.

22 "Serious health condition" means an illness, injury,
23 impairment, or physical or mental condition that involves
24 inpatient care in a hospital, hospice, or residential medical
25 care facility or continuing treatment by a health care
26 provider.

1 "Sexual assault" means any conduct of an adult or minor
2 child proscribed in Sections 11-0.1, 11-1.20, 11-1.30,
3 11-1.40, 11-1.50, and 11-1.60 of the Criminal Code of 1961,
4 including conduct committed by perpetrators who are strangers
5 to the victim and conduct committed by perpetrators who are
6 known or related by blood or marriage to the victim.

7 "Sexual violence" means sexual assault, stalking,
8 harassment, or any conduct proscribed in Subdivisions 5 and 10
9 of Article 11 of the Criminal Code of 1961.

10 "Stalking" means any conduct proscribed in Sections
11 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 1961,
12 including stalking committed by perpetrators who are strangers
13 to the victim and stalking committed by perpetrators who are
14 known or related by blood or marriage to the victim.

15 "Student" or "pupil" means any child or youth enrolled,
16 eligible to enroll, or previously enrolled in a school who has
17 not yet received a diploma for completion of secondary
18 education, as defined in Section 22-22 of this Code.

19 "Victim" means an individual who has been subjected to one
20 or more acts of domestic or sexual violence. The individual is
21 a "victim" of domestic or sexual violence regardless of when
22 the violence occurred, whether or not the domestic or sexual
23 violence is the subject of a criminal investigation or the
24 perpetrator has been criminally charged or convicted of a
25 crime, whether or not an order of protection or a no-contact
26 order is pending before or has been issued by a court, and

1 whether or not any domestic or sexual violence took place on
2 school grounds during regular school hours or during a
3 school-sponsored event.

4 "Youth", except as otherwise provided in this Code, means a
5 child, student, or juvenile below the age of 21 years who has
6 not yet completed his or her prescribed course of study or has
7 not received a diploma for completion of secondary education,
8 as defined in Section 22-22 of this Code. "Youth" includes, but
9 is not limited to, unaccompanied youth not in the physical
10 custody of a parent or guardian.

11 The definitions under this subsection (b) apply to all
12 schools and school districts, including special charter
13 districts and districts organized under Article 33 or 34 of
14 this Code.

15 (Source: Laws 1961, p. 31.)

16 (105 ILCS 5/10-21.3a)

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

18 (a) Each school board shall establish and implement a
19 policy governing the transfer of a student from one attendance
20 center to another within the school district upon the request
21 of the student's parent or guardian. Any request by a parent or
22 guardian to transfer his or her child from one attendance
23 center to another within the school district pursuant to
24 Section 1116 of the federal Elementary and Secondary Education
25 Act of 1965 (20 U.S.C. Sec. 6316) must be made no later than 30

1 days after the parent or guardian receives notice of the right
2 to transfer pursuant to that law. A student may not transfer to
3 any of the following attendance centers, except by change in
4 residence if the policy authorizes enrollment based on
5 residence in an attendance area or unless approved by the board
6 on an individual basis:

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

9 (2) An attendance center for which the board has
10 established academic criteria for enrollment if the
11 student does not meet the criteria, provided that the
12 transfer must be permitted if the attendance center is the
13 only attendance center serving the student's grade that has
14 not been identified for school improvement, corrective
15 action, or restructuring under Section 1116 of the federal
16 Elementary and Secondary Education Act of 1965 (20 U.S.C.
17 Sec. 6316).

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

22 (b) Each school board shall establish and implement a
23 policy governing the transfer of students within a school
24 district from a persistently dangerous school to another public
25 school in that district that is not deemed to be persistently
26 dangerous. In order to be considered a persistently dangerous

1 school, the school must meet all of the following criteria for
2 consecutive years:

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

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

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

10 (c) A student may transfer from one public school to
11 another public school in that district if the student is a
12 victim of a violent crime as defined in Section 3 of the Rights
13 of Crime Victims and Witnesses Act. The violent crime must have
14 occurred on school grounds during regular school hours or
15 during a school-sponsored event. A student who is a victim of
16 domestic or sexual violence, regardless of when the violence
17 occurred, whether or not the domestic or sexual violence is the
18 subject of a criminal investigation or the student's
19 perpetrator has been criminally charged or convicted, or
20 whether the domestic or sexual violence occurred on school
21 grounds during regular school hours or during a
22 school-sponsored event, shall be permitted to transfer schools
23 immediately and as needed, including to a school in another
24 school district, if the student's continued attendance at a
25 particular school facility or location poses a risk to his or
26 her mental or physical well-being or safety. School districts

1 shall waive tuition for children and youth who transfer into a
2 school district in which the child or youth is a nonresident to
3 accommodate the mental and physical well-being or safety
4 concerns of the youth who is a victim of domestic or sexual
5 violence. A student who transfers due to domestic or sexual
6 violence must have full access to extracurricular activities
7 and any programs or activities offered by or under the auspices
8 of the school to which the student has transferred. No adverse
9 or prejudicial effects may result to any student who is a
10 victim of domestic or sexual violence because of his or her
11 availing himself or herself of or declining the provisions of
12 this Section.

13 (d) Transfers made pursuant to subsections (b) and (c) of
14 this Section shall be made in compliance with the federal No
15 Child Left Behind Act of 2001 (Public Law 107-110).

16 (Source: P.A. 96-328, eff. 8-11-09.)

17 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

18 Sec. 10-22.6. Suspension or expulsion of pupils; school
19 searches.

20 (a) To expel pupils guilty of gross disobedience or
21 misconduct, including gross disobedience or misconduct
22 perpetuated by electronic means, and no action shall lie
23 against them for such expulsion. Expulsion shall take place
24 only after the parents have been requested to appear at a
25 meeting of the board, or with a hearing officer appointed by

1 it, to discuss their child's behavior. Such request shall be
2 made by registered or certified mail and shall state the time,
3 place and purpose of the meeting. The board, or a hearing
4 officer appointed by it, at such meeting shall state the
5 reasons for dismissal and the date on which the expulsion is to
6 become effective. If a hearing officer is appointed by the
7 board he shall report to the board a written summary of the
8 evidence heard at the meeting and the board may take such
9 action thereon as it finds appropriate. An expelled pupil may
10 be immediately transferred to an alternative program in the
11 manner provided in Article 13A or 13B of this Code. A pupil
12 must not be denied transfer because of the expulsion, except in
13 cases in which such transfer is deemed to cause a threat to the
14 safety of students or staff in the alternative program.

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

1 10 school days for safety reasons. Any suspension shall be
2 reported immediately to the parents or guardian of such pupil
3 along with a full statement of the reasons for such suspension
4 and a notice of their right to a review. The school board must
5 be given a summary of the notice, including the reason for the
6 suspension and the suspension length. Upon request of the
7 parents or guardian the school board or a hearing officer
8 appointed by it shall review such action of the superintendent
9 or principal, assistant principal, or dean of students. At such
10 review the parents or guardian of the pupil may appear and
11 discuss the suspension with the board or its hearing officer.
12 If a hearing officer is appointed by the board he shall report
13 to the board a written summary of the evidence heard at the
14 meeting. After its hearing or upon receipt of the written
15 report of its hearing officer, the board may take such action
16 as it finds appropriate. A pupil who is suspended in excess of
17 20 school days may be immediately transferred to an alternative
18 program in the manner provided in Article 13A or 13B of this
19 Code. A pupil must not be denied transfer because of the
20 suspension, except in cases in which such transfer is deemed to
21 cause a threat to the safety of students or staff in the
22 alternative program.

23 (b-5) In all suspension and expulsion proceedings, a
24 student may raise his or her status as a parent, expectant
25 parent, or victim of domestic or sexual violence, which shall
26 be considered as a mitigating factor in determining whether to

1 suspend or expel a student or in deciding the nature or
2 severity of the disciplinary action at any time throughout the
3 proceedings. An advocate or representative of the student's
4 choice must be permitted to represent the student throughout
5 the proceedings and to consult with the school board whenever
6 there is evidence that the student's status as a parent,
7 expectant parent, or victim of domestic or sexual violence may
8 be a factor in the cause for expulsion or suspension. A student
9 who raises his or her status as a victim of domestic or sexual
10 violence shall not be required to work out the problem directly
11 with the perpetrator or the perpetrator's advocate or
12 representative, be personally questioned or cross-examined by
13 the perpetrator or the perpetrator's advocate or
14 representative, have any contact with the perpetrator or the
15 perpetrator's advocate or representative, or be in the same
16 room as the perpetrator or the perpetrator's advocate or
17 representative during the proceedings. Suspension or expulsion
18 proceedings must be conducted independently from any ongoing
19 criminal investigation or proceeding, and lack of pursuit of
20 criminal investigations or proceedings shall not be a factor in
21 school disciplinary decisions. This subsection (b-5) applies
22 to all schools and school districts, including special charter
23 districts and districts organized under Article 33 or 34 of
24 this Code.

25 (c) The Department of Human Services shall be invited to
26 send a representative to consult with the board at such meeting

1 whenever there is evidence that mental illness may be the cause
2 for expulsion or suspension.

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

10 (1) A firearm. For the purposes of this Section,
11 "firearm" means any gun, rifle, shotgun, weapon as defined
12 by Section 921 of Title 18 of the United States Code,
13 firearm as defined in Section 1.1 of the Firearm Owners
14 Identification Card Act, or firearm as defined in Section
15 24-1 of the Criminal Code of 1961. The expulsion period
16 under this subdivision (1) may be modified by the
17 superintendent, and the superintendent's determination may
18 be modified by the board on a case-by-case basis.

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

1 Expulsion or suspension shall be construed in a manner
2 consistent with the Federal Individuals with Disabilities
3 Education Act. A student who is subject to suspension or
4 expulsion as provided in this Section may be eligible for a
5 transfer to an alternative school program in accordance with
6 Article 13A of the School Code. The provisions of this
7 subsection (d) apply in all school districts, including special
8 charter districts and districts organized under Article 34.

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

1 districts and districts organized under Article 34 of this
2 Code.

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

1 organized under Article 34.

2 (f) Suspension or expulsion may include suspension or
3 expulsion from school and all school activities and a
4 prohibition from being present on school grounds.

5 (g) A school district may adopt a policy providing that if
6 a student is suspended or expelled for any reason from any
7 public or private school in this or any other state, the
8 student must complete the entire term of the suspension or
9 expulsion in an alternative school program under Article 13A of
10 this Code or an alternative learning opportunities program
11 under Article 13B of this Code before being admitted into the
12 school district if there is no threat to the safety of students
13 or staff in the alternative program. A school district that
14 adopts such a policy must include a provision allowing for
15 consideration of a student's status as a parent, expectant
16 parent, or victim of domestic or sexual violence as a
17 mitigating factor in reviews during the disciplinary period and
18 exempting on a case-by-case basis those students whose status
19 as a parent, expectant parent, or victim of domestic or sexual
20 violence is a factor in the behavior that gives rise to the
21 suspension or expulsion. This subsection (g) applies to all
22 school districts, including special charter districts and
23 districts organized under Article 33 or Article 34 of this
24 Code.

25 (h) If a pupil is faced with either (i) suspension from
26 school due to gross disobedience or misconduct or suspension

1 from riding a school bus due to gross disobedience or
2 misconduct on the school bus as provided in this Section or
3 (ii) expulsion due to gross disobedience or misconduct as
4 provided in this Section and if there is a relationship between
5 the behavior that gives rise to the suspension or expulsion
6 proceedings and the pupil's status as a parent, expectant
7 parent, or victim of domestic or sexual violence, then the
8 suspension or expulsion requirement may be modified by the
9 district superintendent on a case-by-case basis. This
10 subsection (h) applies to all schools and school districts,
11 including special charter districts and districts organized
12 under Article 33 or 34 of this Code.

13 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
14 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

15 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

16 Sec. 10-22.6a. To provide by home instruction,
17 correspondence courses or otherwise courses of instruction for
18 pupils who are unable to attend school because of pregnancy and
19 pregnancy-related conditions, the fulfillment of parenting
20 obligations related to the health of the pupil's child, or
21 health or safety concerns arising from domestic or sexual
22 violence. Such instruction shall be provided to the pupil (1)
23 before the birth of the child when the pupil's health care
24 provider ~~physician~~ has indicated to the district, in writing,
25 that the pupil is medically unable to attend regular classroom

1 instruction, ~~and~~ (2) for up to 3 months following the birth of
2 the child or a miscarriage, (3) to care for the pupil's ill
3 child when the child's health care provider has indicated to
4 the district, in writing, that the pupil's child has a serious
5 health condition, that the pupil is needed to provide care to
6 this child, and that alternative care for the child that is
7 adequate and affordable is unavailable, or (4) to treat
8 physical or mental health complications or address safety
9 concerns arising from domestic or sexual violence when the
10 pupil's domestic or sexual violence organization or health care
11 provider has indicated to the school or school district, in
12 writing, that such care is needed and will cause an absence for
13 2 or more consecutive weeks of school.

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

18 Notwithstanding any other law to the contrary, if a pupil
19 is unable to attend regular classes because of the reasons set
20 forth in this Section and if the pupil has participated in
21 instruction under this Section that is administered by the
22 school or school district, then the pupil must not be penalized
23 for grading purposes nor be denied course completion, grade
24 level advancement, or graduation solely on the basis of the
25 pupil's absence from the regular education program during the
26 period of this instruction. Schools shall not use homebound

1 instruction in lieu of making reasonable accommodations so that
2 children and youth who are parents, expectant parents, or
3 victims of domestic or sexual violence can receive regular
4 classroom instruction.

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

6 (105 ILCS 5/10-30 new)

7 Sec. 10-30. Review and revision of policies. All schools
8 and school districts shall review all existing policies and
9 procedures and revise any existing policies and procedures that
10 may act as a barrier to the immediate enrollment and
11 re-enrollment, attendance, graduation, and success in school
12 of any youth who is a parent, expectant parent, or victim of
13 domestic or sexual violence or any policies or procedures that
14 may compromise a criminal investigation relating to domestic or
15 sexual violence or re-victimize the youth. School districts
16 shall adopt new policies and procedures, as needed, to
17 implement this amendatory Act of the 97th General Assembly and
18 to ensure that immediate and effective steps are taken to
19 respond to youth who are parents, expectant parents, or victims
20 of domestic or sexual violence. School districts shall confer
21 with persons with expertise in youth who are parents and
22 expectant parents and with persons with expertise in youth who
23 are victims of domestic and sexual violence, including domestic
24 and sexual violence organizations, in the review and revision
25 of existing policies and procedures and the adoption and

1 implementation of new policies and procedures, including those
2 related to confidentiality, parental involvement, and a
3 youth's health or safety-related concerns in connection with
4 notifying a parent or guardian; the development and
5 distribution of materials related to such youth, including
6 outreach to youth not in school; ensuring that all materials
7 are age appropriate and culturally sensitive; and ensuring that
8 youth are notified of and understand the policies and
9 procedures, such as how and to whom to report any incident of
10 domestic or sexual violence. School districts shall take all
11 actions necessary to comply with this Section no later than
12 July 1, 2013 and every 2 years after July 1, 2013.

13 (105 ILCS 5/10-35 new)

14 Sec. 10-35. Confidentiality. School districts shall adopt
15 and implement a policy and protocol to ensure that all
16 information concerning a youth's status and related
17 experiences as a parent, expectant parent, or victim of
18 domestic or sexual violence provided to the school or school
19 district or its employees or agents pursuant to this Code or
20 otherwise, including a statement of the youth or any other
21 documentation, record, or corroborating evidence and the fact
22 that the youth has requested or obtained assistance,
23 accommodations, or services pursuant to this Code, shall be
24 retained in the strictest confidence by the school or school
25 district or its employees or agents and shall not be disclosed

1 to any other individual, including any other employee, except
2 to the extent that disclosure is (i) requested or consented to
3 in writing by the youth or the youth's parent or guardian, if
4 it is safe to obtain written consent of the youth's parent or
5 guardian, or (ii) otherwise required by applicable federal or
6 State law. Prior to disclosing information about a student's
7 status as a parent, expectant parent, or victim of domestic or
8 sexual violence, the school shall notify the student and
9 discuss and address any safety concerns related to such
10 disclosure, including instances where the student indicates or
11 the school or school district or its employees or agents are
12 otherwise aware that the student's health or safety may be at
13 risk if disclosed to the student's parent or legal guardian. No
14 youth shall be required to testify publicly concerning his or
15 her status as a victim of domestic or sexual violence,
16 allegations of domestic or sexual violence, his or her status
17 as a parent or expectant parent, or the youth's efforts to
18 enforce any of his or her rights under provisions in this Code
19 relating to youth who are parents, expectant parents, or
20 victims of domestic or sexual violence.

21 In the case of domestic or sexual violence, the person
22 named to be the perpetrator, the perpetrator's family, or any
23 other person named by the youth or named by the youth's parent
24 or guardian to be unsafe to contact must not be contacted to
25 verify the abuse. The perpetrator, the perpetrator's family, or
26 any other person named by the youth or the youth's parent or

1 guardian to be unsafe must not be contacted for any other
2 reason without written permission of the youth or written
3 permission of the youth's parent or guardian. Permission of the
4 youth's parent or guardian shall not be pursued when the youth
5 alleges that his or her health or safety would be threatened if
6 the school or school district contacts the youth's parent or
7 guardian to obtain written permission. School districts shall
8 take all actions necessary to comply with this Section no later
9 than January 1, 2013.

10 (105 ILCS 5/10-40 new)

11 Sec. 10-40. Specially trained personnel.

12 (a) Each school district shall designate or appoint at
13 least one staff person at each school in the district who is
14 employed at least half-time at the school and who is a teacher,
15 school social worker, psychologist, counselor, or nurse
16 trained to address in a culturally competent, confidential, and
17 sensitive manner the needs of children and youth who are
18 parents, expectant parents, or victims of domestic or sexual
19 violence.

20 Designated or appointed staff shall be responsible for,
21 without limitation, all of the following activities:

22 (1) Communicating with and listening to youth who are
23 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 and school district's policies, procedures, and
5 protocols in cases involving student allegations of
6 domestic or sexual violence.

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

12 (5) Assisting such youth in their efforts to exercise
13 and preserve their rights as set forth in provisions of
14 this Code concerning students who are parents, expectant
15 parents, or 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 shall 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 the 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 such notice of the youth's status
4 or the involvement of such youth's parent or guardian may put
5 the 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, 2013, except in those school districts
10 where there exists a collective bargaining agreement at the
11 time this Section becomes effective and where implementation of
12 this Section would be a violation of that collective bargaining
13 agreement on or before April 1, 2013. In the event
14 implementation of some activities required under this Section
15 is prevented by an existing collective bargaining agreement,
16 school districts must comply with this Section to the fullest
17 extent allowed by the existing collective bargaining agreement
18 no later than April 1, 2013. In those instances where a
19 collective bargaining agreement, which either fully or
20 partially prevents full implementation of this Section,
21 expires after April 1, 2013, school districts shall designate
22 or appoint and train all specially trained personnel who shall
23 implement the duties described in this Section no later than
24 the effective date of the new collective bargaining agreement
25 that immediately succeeds the collective bargaining agreement
26 in effect at the time this Section becomes effective.

1 (d) This Section applies to all schools and school
2 districts, including special charter schools and districts and
3 schools and districts organized under Article 33 or 34 of this
4 Code.

5 (105 ILCS 5/10-45 new)

6 Sec. 10-45. Accommodations and services.

7 (a) To facilitate the full participation of youth who are
8 parents, expectant parents, or victims of domestic or sexual
9 violence, schools and school districts shall provide these
10 youth with reasonable accommodations and adjustments in school
11 policy and practice, in-school support services, access to
12 non-school based support services, and the ability to make up
13 work missed on account of circumstances related to the youth's
14 status as a parent, expectant parent, or victim of domestic or
15 sexual violence. Victims of domestic or sexual violence shall
16 have access to these accommodations and services regardless of
17 when or where the violence for which they are seeking
18 accommodations or services occurred. All accommodations and
19 services shall be continued for as long as necessary to
20 maintain the mental and physical well-being and safety of the
21 youth.

22 (b) Reasonable accommodations and adjustments shall
23 include, but not be limited to, the provision of sufficiently
24 private settings to ensure confidentiality and time off from
25 class for meetings with counselors or other service providers;

1 assisting the youth in creating a student success plan;
2 transfer of the victim of domestic or sexual violence or the
3 student perpetrator to a different classroom or school; change
4 of seating assignment; implementation of in-school, school
5 grounds, and bus safety procedures; honoring court orders,
6 including orders of protection and no-contact orders; and any
7 other accommodation that may facilitate the full participation
8 in the regular education program of youth who are parents,
9 expectant parents, or victims of domestic or sexual violence.

10 (c) If a youth who is a parent, expectant parent, or victim
11 of domestic or sexual violence is at risk of academic failure
12 or displays poor academic performance, the youth or the youth's
13 parent or guardian may request that the school and school
14 district provide the youth with or refer the youth to education
15 and support services designed to assist the youth in meeting
16 State learning standards. Schools and school districts may
17 either provide education or support services directly or may
18 collaborate with public or private State, local, or
19 community-based organizations or agencies that provide these
20 services. Schools and school districts shall also assist youth
21 who are parents, expectant parents, or victims of domestic or
22 sexual violence in accessing the support services of non-school
23 based organizations and agencies where such youth typically
24 receive services in the community.

25 (d) Any youth who is unable, because of circumstances
26 related to the youth's status as a parent, expectant parent, or

1 victim of domestic or sexual violence, to participate in
2 classes on a particular day or days or at a particular time of
3 day must be excused from any examination or any study or work
4 assignments on such particular day or days or at such
5 particular time of day. It is the responsibility of the
6 teachers and of the school administrative personnel and
7 officials to make available to each youth who is unable to
8 participate because of circumstances related to the youth's
9 status as a parent, expectant parent, or victim of domestic or
10 sexual violence a meaningful opportunity to make up any
11 examination, study, or work requirements that he or she has
12 missed because of such inability to participate on any
13 particular day or days or at any particular time of day.

14 Costs assessed by a school or school district on youth for
15 participation in such activities shall be considered savable
16 fees for any youth whose parents or guardians are unable to
17 afford them, consistent with the provisions of Section 10-20.13
18 of this Code. School districts shall adopt written policies and
19 procedures for waiver of such fees in accordance with rules
20 adopted by the State Board of Education.

21 (e) When a school or school district employee or agent
22 becomes aware of or suspects a youth's status as a parent,
23 expectant parent, or victim of domestic or sexual violence, it
24 is the responsibility of the employee or agent of the school or
25 school district to inform the youth of the available services
26 and accommodations at school and in the community that may

1 assist the youth in maintaining his or her full educational
2 participation and his or her successful performance. The school
3 or school district employee or agent shall also refer the youth
4 to the school district's specially trained personnel as set
5 forth in Section 10-40 of this Code. Respecting youth privacy,
6 confidentiality, mental and physical health, and safety shall
7 be the paramount concern.

8 (f) Schools shall honor a youth's decision to obtain
9 education and support services, accommodations, and non-school
10 based support services, to terminate the receipt of such
11 services, or to decline participation in such services. No
12 youth is obligated to use education and support services,
13 accommodations, or non-school based support services. In
14 developing accommodations, adjustments, or educational support
15 services, the privacy, mental and physical health, and safety
16 of the youth shall be the paramount concern. No adverse or
17 prejudicial effects may result to any youth because of his or
18 her availing himself or herself of or declining the provisions
19 of this Section.

20 (g) Any support services must be available to youth
21 receiving education and support services in any school or by
22 home or hospital instruction.

23 (h) Individual, peer, group, and family counseling
24 services or psychotherapy shall be available consistent with
25 the provisions of the Mental Health and Developmental
26 Disabilities Code.

1 (105 ILCS 5/13A-11)

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

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

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

11 (1) Student civil rights;

12 (2) Staff civil rights;

13 (3) Health and safety;

14 (4) Performance and financial audits;

15 (5) The Illinois Goals Assessment Program;

16 (6) Chicago learning outcomes;

17 (7) Sections 2-3.25a through 2-3.25j of the School
18 Code;

19 (8) The Inspector General; ~~and~~

20 (9) Section 34-2.4b of the School Code; and-

21 (10) Children and youth who are parents, expectant
22 parents, or victims of domestic or sexual violence.

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

24 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

1 Sec. 14-8.02. Identification, Evaluation and Placement of
2 Children.

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

1 of this Section, as well as Sections 14-8.02a, 14-8.02b, and
2 14-8.02c of this Code, "parent" means a parent as defined in
3 the federal Individuals with Disabilities Education Act (20
4 U.S.C. 1401(23)).

5 (b) No child shall be eligible for special education
6 facilities except with a carefully completed case study fully
7 reviewed by professional personnel in a multidisciplinary
8 staff conference and only upon the recommendation of qualified
9 specialists or a qualified bilingual specialist, if available.
10 At the conclusion of the multidisciplinary staff conference,
11 the parent of the child shall be given a copy of the
12 multidisciplinary conference summary report and
13 recommendations, which includes options considered, and be
14 informed of their right to obtain an independent educational
15 evaluation if they disagree with the evaluation findings
16 conducted or obtained by the school district. If the school
17 district's evaluation is shown to be inappropriate, the school
18 district shall reimburse the parent for the cost of the
19 independent evaluation. The State Board of Education shall,
20 with advice from the State Advisory Council on Education of
21 Children with Disabilities on the inclusion of specific
22 independent educational evaluators, prepare a list of
23 suggested independent educational evaluators. The State Board
24 of Education shall include on the list clinical psychologists
25 licensed pursuant to the Clinical Psychologist Licensing Act.
26 Such psychologists shall not be paid fees in excess of the

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

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

1 than English shall reflect the special education, cultural and
2 linguistic needs. No later than September 1, 1993, the State
3 Board of Education shall establish standards for the
4 development, implementation and monitoring of appropriate
5 bilingual special individualized educational programs. The
6 State Board of Education shall further incorporate appropriate
7 monitoring procedures to verify implementation of these
8 standards. The district shall indicate to the parent and the
9 State Board of Education the nature of the services the child
10 will receive for the regular school term while waiting
11 placement in the appropriate special education class.

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

23 In the development of the individualized education program
24 for a student who has a disability on the autism spectrum
25 (which includes autistic disorder, Asperger's disorder,
26 pervasive developmental disorder not otherwise specified,

1 childhood disintegrative disorder, and Rett Syndrome, as
2 defined in the Diagnostic and Statistical Manual of Mental
3 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
4 consider all of the following factors:

5 (1) The verbal and nonverbal communication needs of the
6 child.

7 (2) The need to develop social interaction skills and
8 proficiencies.

9 (3) The needs resulting from the child's unusual
10 responses to sensory experiences.

11 (4) The needs resulting from resistance to
12 environmental change or change in daily routines.

13 (5) The needs resulting from engagement in repetitive
14 activities and stereotyped movements.

15 (6) The need for any positive behavioral
16 interventions, strategies, and supports to address any
17 behavioral difficulties resulting from autism spectrum
18 disorder.

19 (7) Other needs resulting from the child's disability
20 that impact progress in the general curriculum, including
21 social and emotional development.

22 Public Act 95-257 does not create any new entitlement to a
23 service, program, or benefit, but must not affect any
24 entitlement to a service, program, or benefit created by any
25 other law.

26 If the student may be eligible to participate in the

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

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

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

17 (d) To the maximum extent appropriate, the placement shall
18 provide the child with the opportunity to be educated with
19 children who are not disabled; provided that children with
20 disabilities who are recommended to be placed into regular
21 education classrooms are provided with supplementary services
22 to assist the children with disabilities to benefit from the
23 regular classroom instruction and are included on the teacher's
24 regular education class register. Subject to the limitation of
25 the preceding sentence, placement in special classes, separate
26 schools or other removal of the disabled child from the regular

1 educational environment shall occur only when the nature of the
2 severity of the disability is such that education in the
3 regular classes with the use of supplementary aids and services
4 cannot be achieved satisfactorily. The placement of limited
5 English proficiency students with disabilities shall be in
6 non-restrictive environments which provide for integration
7 with non-disabled peers in bilingual classrooms. Annually,
8 each January, school districts shall report data on students
9 from non-English speaking backgrounds receiving special
10 education and related services in public and private facilities
11 as prescribed in Section 2-3.30. If there is a disagreement
12 between parties involved regarding the special education
13 placement of any child, either in-state or out-of-state, the
14 placement is subject to impartial due process procedures
15 described in Article 10 of the Rules and Regulations to Govern
16 the Administration and Operation of Special Education.

17 (e) No child who comes from a home in which a language
18 other than English is the principal language used may be
19 assigned to any class or program under this Article until he
20 has been given, in the principal language used by the child and
21 used in his home, tests reasonably related to his cultural
22 environment. All testing and evaluation materials and
23 procedures utilized for evaluation and placement shall not be
24 linguistically, racially or culturally discriminatory.

25 (f) Nothing in this Article shall be construed to require
26 any child to undergo any physical examination or medical

1 treatment whose parents object thereto on the grounds that such
2 examination or treatment conflicts with his religious beliefs.

3 (g) School boards or their designee shall provide to the
4 parents of a child prior written notice of any decision (a)
5 proposing to initiate or change, or (b) refusing to initiate or
6 change, the identification, evaluation, or educational
7 placement of the child or the provision of a free appropriate
8 public education to their child, and the reasons therefor. Such
9 written notification shall also inform the parent of the
10 opportunity to present complaints with respect to any matter
11 relating to the educational placement of the student, or the
12 provision of a free appropriate public education and to have an
13 impartial due process hearing on the complaint. The notice
14 shall inform the parents in the parents' native language,
15 unless it is clearly not feasible to do so, of their rights and
16 all procedures available pursuant to this Act and the federal
17 Individuals with Disabilities Education Improvement Act of
18 2004 (Public Law 108-446); it shall be the responsibility of
19 the State Superintendent to develop uniform notices setting
20 forth the procedures available under this Act and the federal
21 Individuals with Disabilities Education Improvement Act of
22 2004 (Public Law 108-446) to be used by all school boards. The
23 notice shall also inform the parents of the availability upon
24 request of a list of free or low-cost legal and other relevant
25 services available locally to assist parents in initiating an
26 impartial due process hearing. Any parent who is deaf, or does

1 not normally communicate using spoken English, who
2 participates in a meeting with a representative of a local
3 educational agency for the purposes of developing an
4 individualized educational program shall be entitled to the
5 services of an interpreter.

6 (g-5) For purposes of this subsection (g-5), "qualified
7 professional" means an individual who holds credentials to
8 evaluate the child in the domain or domains for which an
9 evaluation is sought or an intern working under the direct
10 supervision of a qualified professional, including a master's
11 or doctoral degree candidate.

12 To ensure that a parent can participate fully and
13 effectively with school personnel in the development of
14 appropriate educational and related services for his or her
15 child, the parent, an independent educational evaluator, or a
16 qualified professional retained by or on behalf of a parent or
17 child must be afforded reasonable access to educational
18 facilities, personnel, classrooms, and buildings and to the
19 child as provided in this subsection (g-5). The requirements of
20 this subsection (g-5) apply to any public school facility,
21 building, or program and to any facility, building, or program
22 supported in whole or in part by public funds. Prior to
23 visiting a school, school building, or school facility, the
24 parent, independent educational evaluator, or qualified
25 professional may be required by the school district to inform
26 the building principal or supervisor in writing of the proposed

1 visit, the purpose of the visit, and the approximate duration
2 of the visit. The visitor and the school district shall arrange
3 the visit or visits at times that are mutually agreeable.
4 Visitors shall comply with school safety, security, and
5 visitation policies at all times. School district visitation
6 policies must not conflict with this subsection (g-5). Visitors
7 shall be required to comply with the requirements of applicable
8 privacy laws, including those laws protecting the
9 confidentiality of education records such as the federal Family
10 Educational Rights and Privacy Act and the Illinois School
11 Student Records Act. The visitor shall not disrupt the
12 educational process.

13 (1) A parent must be afforded reasonable access of
14 sufficient duration and scope for the purpose of observing
15 his or her child in the child's current educational
16 placement, services, or program or for the purpose of
17 visiting an educational placement or program proposed for
18 the child.

19 (2) An independent educational evaluator or a
20 qualified professional retained by or on behalf of a parent
21 or child must be afforded reasonable access of sufficient
22 duration and scope for the purpose of conducting an
23 evaluation of the child, the child's performance, the
24 child's current educational program, placement, services,
25 or environment, or any educational program, placement,
26 services, or environment proposed for the child, including

1 interviews of educational personnel, child observations,
2 assessments, tests or assessments of the child's
3 educational program, services, or placement or of any
4 proposed educational program, services, or placement. If
5 one or more interviews of school personnel are part of the
6 evaluation, the interviews must be conducted at a mutually
7 agreed upon time, date, and place that do not interfere
8 with the school employee's school duties. The school
9 district may limit interviews to personnel having
10 information relevant to the child's current educational
11 services, program, or placement or to a proposed
12 educational service, program, or placement.

13 (h) (Blank).

14 (i) (Blank).

15 (j) (Blank).

16 (k) (Blank).

17 (l) (Blank).

18 (m) (Blank).

19 (n) (Blank).

20 (o) (Blank).

21 (p) In the development of the individualized education
22 program for a student who is also a parent, expectant parent,
23 or victim of domestic or sexual violence, any appropriate
24 accommodations or services for that student in connection with
25 these circumstances, with the exception of information that is
26 confidential under applicable privacy laws, shall be included

1 as part of the student's individualized education program.

2 (Source: P.A. 95-257, eff. 1-1-08; 95-876, eff. 8-21-08;
3 96-657, eff. 8-25-09.)

4 (105 ILCS 5/22-60)

5 Sec. 22-60. Unfunded mandates prohibited.

6 (a) No public school district or private school is
7 obligated to comply with the following types of mandates unless
8 a separate appropriation has been enacted into law providing
9 full funding for the mandate for the school year during which
10 the mandate is required:

11 (1) Any mandate in this Code enacted after the
12 effective date of this amendatory Act of the 96th General
13 Assembly.

14 (2) Any regulatory mandate promulgated by the State
15 Board of Education and adopted by rule after the effective
16 date of this amendatory Act of the 96th General Assembly
17 other than those promulgated with respect to this Section
18 or statutes already enacted on or before the effective date
19 of this amendatory Act of the 96th General Assembly.

20 (b) If the amount appropriated to fund a mandate described
21 in subsection (a) of this Section does not fully fund the
22 mandated activity, then the school district or private school
23 may choose to discontinue or modify the mandated activity to
24 ensure that the costs of compliance do not exceed the funding
25 received.

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

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

21 If the regional superintendent grants an exemption to the
22 school district, then the school district is relieved from the
23 requirement to establish and implement the mandate in the
24 school or schools granted an exemption for the next school
25 year. If the regional superintendent of schools does not grant
26 an exemption, then the school district shall implement the

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

18 If a school district or private school discontinues or
19 modifies a mandated activity due to lack of full funding from
20 the State, then the school district or private school shall
21 annually maintain and update a list of discontinued or modified
22 mandated activities. The list shall be provided to the State
23 Board of Education upon request.

24 (c) This Section does not apply to (i) any new statutory or
25 regulatory mandates related to revised learning standards
26 developed through the Common Core State Standards Initiative

1 and assessments developed to align with those standards or
2 actions specified in this State's Phase 2 Race to the Top Grant
3 application if the application is approved by the United States
4 Department of Education; ~~or~~ (ii) new statutory or regulatory
5 mandates from the Race to the Top Grant through the federal
6 American Recovery and Reinvestment Act of 2009 imposed on
7 school districts designated as being in the lowest performing
8 5% of schools within the Race to the Top Grant application; or
9 (iii) any statutory or regulatory mandates related to children
10 or youth who are parents, expectant parents, or victims of
11 domestic or sexual violence.

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

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

15 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

16 Sec. 26-2. Enrolled pupils below 7 or over 17.

17 (a) Any person having custody or control of a child who is
18 below the age of 7 years or is 17 years of age or above and who
19 is enrolled in any of grades kindergarten through 12 in the
20 public school shall cause him to attend the public school in
21 the district wherein he resides when it is in session during
22 the regular school term, unless he is excused under paragraph
23 2, 3, 4, 5, or 6 of Section 26-1.

24 (b) A school district shall deny reenrollment in its
25 secondary schools to any child 19 years of age or above who has

1 dropped out of school and who could not, because of age and
2 lack of credits, attend classes during the normal school year
3 and graduate before his or her twenty-first birthday, except
4 any child who is a parent, expectant parent, or victim of
5 domestic or sexual violence. A district may, however, enroll
6 the child in a graduation incentives program under Section
7 26-16 of this Code or an alternative learning opportunities
8 program established under Article 13B. No child shall be denied
9 reenrollment for the above reasons unless the school district
10 first offers the child due process as required in cases of
11 expulsion under Section 10-22.6. If a child is denied
12 reenrollment after being provided with due process, the school
13 district must provide counseling to that child and must direct
14 that child to alternative educational programs, including
15 adult education programs, that lead to graduation or receipt of
16 a GED diploma.

17 (c) A school or school district may deny enrollment to a
18 student 17 years of age or older for one semester for failure
19 to meet minimum academic standards if all of the following
20 conditions are met:

21 (1) The student achieved a grade point average of less
22 than "D" (or its equivalent) in the semester immediately
23 prior to the current semester.

24 (2) The student and the student's parent or guardian
25 are given written notice warning that the student is
26 failing academically and is subject to denial from

1 enrollment for one semester unless a "D" average (or its
2 equivalent) or better is attained in the current semester.

3 (3) The parent or guardian is provided with the right
4 to appeal the notice, as determined by the State Board of
5 Education in accordance with due process.

6 (4) The student is provided with an academic
7 improvement plan and academic remediation services.

8 (5) The student fails to achieve a "D" average (or its
9 equivalent) or better in the current semester.

10 A school or school district may deny enrollment to a
11 student 17 years of age or older for one semester for failure
12 to meet minimum attendance standards if all of the following
13 conditions are met:

14 (1) The student was absent without valid cause for 20%
15 or more of the attendance days in the semester immediately
16 prior to the current semester.

17 (2) The student and the student's parent or guardian
18 are given written notice warning that the student is
19 subject to denial from enrollment for one semester unless
20 the student is absent without valid cause less than 20% of
21 the attendance days in the current semester.

22 (3) The student's parent or guardian is provided with
23 the right to appeal the notice, as determined by the State
24 Board of Education in accordance with due process.

25 (4) The student is provided with attendance
26 remediation services, including without limitation

1 assessment, counseling, and support services.

2 (5) The student is absent without valid cause for 20%
3 or more of the attendance days in the current semester.

4 A school or school district may not deny enrollment to a
5 student (or reenrollment to a dropout) who is at least 17 years
6 of age or older but below 19 years for more than one
7 consecutive semester for failure to meet academic or attendance
8 standards.

9 (d) No child may be denied enrollment or reenrollment under
10 this Section in violation of the Individuals with Disabilities
11 Education Act or the Americans with Disabilities Act.

12 (e) In this subsection (e), "reenrolled student" means a
13 dropout who has reenrolled full-time in a public school. Each
14 school district shall identify, track, and report on the
15 educational progress and outcomes of reenrolled students as a
16 subset of the district's required reporting on all enrollments.
17 A reenrolled student who again drops out must not be counted
18 again against a district's dropout rate performance measure.
19 The State Board of Education shall set performance standards
20 for programs serving reenrolled students.

21 (f) The State Board of Education shall adopt any rules
22 necessary to implement the changes to this Section made by
23 Public Act 93-803.

24 (Source: P.A. 95-417, eff. 8-24-07.)

25 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

4 "Valid cause" for absence shall be illness, attendance at
5 pregnancy-related medical appointments, observance of a
6 religious holiday, death in the immediate family, family
7 emergency, fulfillment of the student's parenting
8 responsibilities (including, but not limited to, arranging and
9 providing child care, caring for the student's sick child, and
10 attending medical appointments for the student's child), or
11 addressing circumstances resulting from domestic or sexual
12 violence (including, but not limited to, experiencing domestic
13 or sexual violence, recovering from physical or psychological
14 injuries, seeking medical attention, seeking services from a
15 domestic or sexual victim services organization, seeking
16 psychological or other counseling, participating in safety
17 planning, temporarily or permanently relocating, seeking legal
18 assistance or remedies, or taking other actions to increase the
19 safety or health of the student or to protect the student from
20 future domestic or sexual violence) and shall include such
21 other situations beyond the control of the student as
22 determined by the board of education in each district, or such
23 other circumstances which cause reasonable concern to the
24 parent or the student for the safety or health of the student.

25 "Chronic or habitual truant" shall be defined as a child
26 who is subject to compulsory school attendance and who is

1 absent without valid cause from such attendance for 5% or more
2 of the previous 180 regular attendance days.

3 "Truant minor" is defined as a chronic truant to whom
4 supportive services, including prevention, diagnostic,
5 intervention and remedial services, alternative programs and
6 other school and community resources have been provided and
7 have failed to result in the cessation of chronic truancy, or
8 have been offered and refused.

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

18 "Religion" for the purposes of this Article, includes all
19 aspects of religious observance and practice, as well as
20 belief.

21 (Source: P.A. 96-1423, eff. 8-3-10; 97-218, eff. 7-28-11.)

22 (105 ILCS 5/26-3d) (from Ch. 122, par. 26-3d)

23 Sec. 26-3d. All regional superintendents, district
24 superintendents, and special education joint agreement
25 directors shall collect data concerning truants, chronic

1 truants, and truant minor pupils as designated by the State
2 Board of Education. On or before August 15 of each year, this
3 data must be submitted to the State Board of Education. All
4 regional superintendents, district superintendents, and
5 special education joint agreement directors shall separately
6 identify and report on the number of truant, chronic truant,
7 and truant minor pupils in their regions or school districts
8 who are expectant parents or parents.

9 (Source: P.A. 96-734, eff. 8-25-09.)

10 (105 ILCS 5/27A-5)

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

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

17 (b) A charter school may be established under this Article
18 by creating a new school or by converting an existing public
19 school or attendance center to charter school status. Beginning
20 on the effective date of this amendatory Act of the 93rd
21 General Assembly, in all new applications submitted to the
22 State Board or a local school board to establish a charter
23 school in a city having a population exceeding 500,000,
24 operation of the charter school shall be limited to one campus.
25 The changes made to this Section by this amendatory Act of the

1 93rd General Assembly do not apply to charter schools existing
2 or approved on or before the effective date of this amendatory
3 Act.

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

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

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

16 (f) A charter school shall be responsible for the
17 management and operation of its fiscal affairs including, but
18 not limited to, the preparation of its budget. An audit of each
19 charter school's finances shall be conducted annually by an
20 outside, independent contractor retained by the charter
21 school. Annually, by December 1, every charter school must
22 submit to the State Board a copy of its audit and a copy of the
23 Form 990 the charter school filed that year with the federal
24 Internal Revenue Service.

25 (g) A charter school shall comply with all provisions of
26 this Article, the Illinois Educational Labor Relations Act, and

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

4 (1) Sections 10-21.9 and 34-18.5 of the School Code
5 regarding criminal history records checks and checks of the
6 Statewide Sex Offender Database and Statewide Murderer and
7 Violent Offender Against Youth 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;

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

20 (8) The P-20 Longitudinal Education Data System Act;
21 and-

22 (9) All provisions concerning students who are
23 parents, expectant parents, or victims of domestic or
24 sexual violence.

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

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

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

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

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

15 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;
16 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.
17 7-2-10; 97-152, eff. 7-20-11; 97-154, eff. 1-1-12; revised
18 9-28-11.)

19 (105 ILCS 5/34-18.24)

20 Sec. 34-18.24. Transfer of students.

21 (a) The board shall establish and implement a policy
22 governing the transfer of a student from one attendance center
23 to another within the school district upon the request of the
24 student's parent or guardian. Any request by a parent or
25 guardian to transfer his or her child from one attendance

1 center to another within the school district pursuant to
2 Section 1116 of the federal Elementary and Secondary Education
3 Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30
4 days after the parent or guardian receives notice of the right
5 to transfer pursuant to that law. A student may not transfer to
6 any of the following attendance centers, except by change in
7 residence if the policy authorizes enrollment based on
8 residence in an attendance area or unless approved by the board
9 on an individual basis:

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

12 (2) An attendance center for which the board has
13 established academic criteria for enrollment if the
14 student does not meet the criteria, provided that the
15 transfer must be permitted if the attendance center is the
16 only attendance center serving the student's grade that has
17 not been identified for school improvement, corrective
18 action, or restructuring under Section 1116 of the federal
19 Elementary and Secondary Education Act of 1965 (20 U.S.C.
20 Sec. 6317).

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

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

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

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

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

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

16 (c) A student may transfer from one attendance center to
17 another attendance center within the district if the student is
18 a victim of a violent crime as defined in Section 3 of the
19 Rights of Crime Victims and Witnesses Act. The violent crime
20 must have occurred on school grounds during regular school
21 hours or during a school-sponsored event. A student who is a
22 victim of domestic or sexual violence, regardless of when the
23 violence occurred, whether or not the domestic or sexual
24 violence is the subject of a criminal investigation or the
25 student's perpetrator has been criminally charged or convicted
26 of a crime, whether or not an order of protection or a

1 no-contact order is pending before or issued by a court, and
2 whether or not any domestic or sexual violence took place on
3 school grounds during regular school hours or during a
4 school-sponsored event, shall be permitted to transfer schools
5 immediately and as needed, including to another school
6 district, if the student's continued attendance at a particular
7 school facility or location poses a risk to his or her mental
8 or physical well-being or safety. School districts shall waive
9 tuition for youth who transfer into a school district in which
10 the youth is a nonresident to accommodate the mental or
11 physical well-being or safety concerns of the youth who is a
12 victim of domestic or sexual violence. A student who transfers
13 due to domestic or sexual violence must have full access to
14 extracurricular activities and any programs or activities
15 offered by or under the auspices of the school to which the
16 student has transferred. No adverse or prejudicial effects may
17 result to any student who is a victim of domestic or sexual
18 violence.

19 (d) Transfers made pursuant to subsections (b) and (c) of
20 this Section shall be made in compliance with the federal No
21 Child Left Behind Act of 2001 (Public Law 107-110).

22 (Source: P.A. 92-604, eff. 7-1-02; 93-633, eff. 12-23-03.)

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

1 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

2 Sec. 5. (a) A parent or any person specifically designated
3 as a representative by a parent shall have the right to inspect
4 and copy all school student permanent and temporary records of
5 that parent's child, except where a student is a parent,
6 expectant parent, or victim of domestic or sexual violence. All
7 information concerning a student's status and related
8 experiences as a parent, expectant parent, or victim of
9 domestic or sexual violence, including a statement of the
10 student or any other documentation, record, or corroborating
11 evidence and the fact that the student has requested or
12 obtained assistance, accommodations, or services related to
13 that status, shall be retained in the strictest confidence. The
14 information contained in the student's permanent or temporary
15 record may be disclosed if, prior to disclosing the information
16 about a student's status as a parent, expectant parent, or
17 victim of domestic or sexual violence, the school or school
18 district notifies the student and discusses and addresses any
19 health or safety concerns related to such disclosure. If the
20 health or safety concerns cannot be satisfied to the student's
21 satisfaction, the information concerning the student's status
22 and related experiences as a parent, expectant parent, or
23 victim of domestic or sexual violence shall not be disclosed as
24 part of the student's permanent or temporary record. A student
25 shall have the right to inspect and copy his or her school
26 student permanent record. No person who is prohibited by an

1 order of protection from inspecting or obtaining school records
2 of a student pursuant to the Illinois Domestic Violence Act of
3 1986, as now or hereafter amended, shall have any right of
4 access to, or inspection of, the school records of that
5 student. If a school's principal or person with like
6 responsibilities or his designee has knowledge of such order of
7 protection, the school shall prohibit access or inspection of
8 the student's school records by such person.

9 (b) Whenever access to any person is granted pursuant to
10 paragraph (a) of this Section, at the option of either the
11 parent or the school a qualified professional, who may be a
12 psychologist, counsellor or other advisor, and who may be an
13 employee of the school or employed by the parent, may be
14 present to interpret the information contained in the student
15 temporary record. If the school requires that a professional be
16 present, the school shall secure and bear any cost of the
17 presence of the professional. If the parent so requests, the
18 school shall secure and bear any cost of the presence of a
19 professional employed by the school.

20 (c) A parent's or student's request to inspect and copy
21 records, or to allow a specifically designated representative
22 to inspect and copy records, must be granted within a
23 reasonable time, and in no case later than 15 school days after
24 the date of receipt of such request by the official records
25 custodian.

26 (d) The school may charge its reasonable costs for the

1 copying of school student records, not to exceed the amounts
2 fixed in schedules adopted by the State Board, to any person
3 permitted to copy such records, except that no parent or
4 student shall be denied a copy of school student records as
5 permitted under this Section 5 for inability to bear the cost
6 of such copying.

7 (e) Nothing contained in this Section 5 shall make
8 available to a parent or student confidential letters and
9 statements of recommendation furnished in connection with
10 applications for employment to a post-secondary educational
11 institution or the receipt of an honor or honorary recognition,
12 provided such letters and statements are not used for purposes
13 other than those for which they were specifically intended, and

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

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

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

21 (1) Communications otherwise protected by law as
22 privileged or confidential, including but not limited to,
23 information communicated in confidence to a physician,
24 psychologist or other psychotherapist, school social
25 worker, school counselor, school psychologist, or school
26 social worker, school counselor, or school psychologist

1 intern who works under the direct supervision of a school
2 social worker, school counselor, or school psychologist;
3 or

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

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

9 (g) No school employee shall be subjected to adverse
10 employment action, the threat of adverse employment action, or
11 any manner of discrimination because the employee is acting or
12 has acted to protect communications as privileged or
13 confidential pursuant to applicable provisions of State or
14 federal law or rule or regulation.

15 (Source: P.A. 96-628, eff. 1-1-10.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.

1 INDEX
2 Statutes amended in order of appearance

3	105 ILCS 5/1-3	from Ch. 122, par. 1-3
4	105 ILCS 5/10-21.3a	
5	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
6	105 ILCS 5/10-22.6a	from Ch. 122, par. 10-22.6a
7	105 ILCS 5/10-30 new	
8	105 ILCS 5/10-35 new	
9	105 ILCS 5/10-40 new	
10	105 ILCS 5/10-45 new	
11	105 ILCS 5/13A-11	
12	105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02
13	105 ILCS 5/22-60	
14	105 ILCS 5/26-2	from Ch. 122, par. 26-2
15	105 ILCS 5/26-2a	from Ch. 122, par. 26-2a
16	105 ILCS 5/26-3d	from Ch. 122, par. 26-3d
17	105 ILCS 5/27A-5	
18	105 ILCS 5/34-18.24	
19	105 ILCS 10/5	from Ch. 122, par. 50-5