



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1702

Introduced 2/15/2013, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1-3	from Ch. 122, par. 1-3
105 ILCS 5/10-21.3a	
105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
105 ILCS 5/10-22.6a	from Ch. 122, par. 10-22.6a
105 ILCS 5/10-30 new	
105 ILCS 5/10-35 new	
105 ILCS 5/10-40 new	
105 ILCS 5/10-45 new	
105 ILCS 5/13A-11	
105 ILCS 5/26-2a	from Ch. 122, par. 26-2a
105 ILCS 5/27A-5	
105 ILCS 5/34-18.24	
105 ILCS 10/5	from Ch. 122, par. 50-5

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, ombudspersons, accommodations and services, alternative public schools, compulsory school attendance, charter schools, and the right to inspect and copy school student permanent and temporary records. Effective immediately.

LRB098 07458 NHT 37526 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. This Act shall be interpreted
12 liberally to aid in this purpose.

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

17 (105 ILCS 5/1-3) (from Ch. 122, par. 1-3)

18 Sec. 1-3. Definitions.

19 (a) In this Code:

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

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

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

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

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

20 "Domestic or sexual violence" means domestic violence,
21 sexual assault, sexual harassment, or stalking. Domestic or
22 sexual violence may occur through electronic communication.
23 Domestic or sexual violence exists regardless of when the
24 violence occurred, whether or not the domestic or sexual
25 violence is the subject of a criminal investigation or the
26 perpetrator has been criminally charged or convicted of a

1 crime, whether or not an order of protection or a no-contact
2 order is pending before or has been issued by a court, and
3 whether or not any domestic or sexual violence took place on
4 school grounds during regular school hours or during a
5 school-sponsored event. Consent to any act that may constitute
6 domestic or sexual violence means a freely given agreement to
7 the act. Lack of verbal or physical resistance or submission by
8 the victim does not constitute consent, and the manner of dress
9 of the victim does not constitute consent. For purposes of
10 children and youth asserting their rights under provisions
11 relating to domestic or sexual violence in Sections 10-21.3a,
12 10-22.6, 10-22.6a, 10-45 (verification may be required for
13 accommodations only, such as a change in classroom, not for
14 services), 26-2, 26-2a, and 34-18.24, a school district may
15 require verification. Any one of the following shall be
16 acceptable verification of a child's or youth's claim of
17 domestic or sexual violence:

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

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

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

26 (4) Documentation from a lawyer, clergy person,

1 medical professional, or other professional from whom the
2 youth sought domestic or sexual violence services or
3 advice.

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

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

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

1 charter districts and districts organized under Article 33 or
2 34 of this Code.

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

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

17 "Electronic communication" includes communications via
18 telephone, mobile phone, computer, e-mail, video recorder, fax
19 machine, telex, or pager or any other electronic communication
20 as defined in Section 12-7.5 of the Criminal Code of 2012.

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

25 "Expectant parent" means a student who is pregnant or a
26 student who intends to act as a parent and seeks services for

1 teen parents and who has not yet received a diploma for
2 completion of secondary education, as defined in Section 22-22
3 of this Code.

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

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

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

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

25 "School", for purposes of provisions of this Code relating
26 to children and youth who are parents, expectant parents, or

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

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

25 "Serious health condition" means an illness, injury,
26 impairment, or physical or mental condition that involves

1 inpatient care in a hospital, hospice, or residential medical
2 care facility or continuing treatment by a health care
3 provider.

4 "Sexual assault" means any conduct of an adult or minor
5 child proscribed in Sections 11-0.1, 11-1.20, 11-1.30,
6 11-1.40, 11-1.50, and 11-1.60 of the Criminal Code of 2012,
7 including conduct committed by perpetrators who are strangers
8 to the victim and conduct committed by perpetrators who are
9 known or related by blood or marriage to the victim.

10 "Sexual violence" means sexual assault, stalking,
11 harassment, or any conduct proscribed in Subdivisions 5 and 10
12 of Article 11 of the Criminal Code of 2012.

13 "Stalking" means any conduct proscribed in Sections
14 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 2012,
15 including stalking committed by perpetrators who are strangers
16 to the victim and stalking committed by perpetrators who are
17 known or related by blood or marriage to the victim.

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

22 "Victim" means an individual who has been subjected to one
23 or more acts of domestic or sexual violence. The individual is
24 a "victim" of domestic or sexual violence regardless of when
25 the violence occurred, whether or not the domestic or sexual
26 violence is the subject of a criminal investigation or the

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

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

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

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

19 (105 ILCS 5/10-21.3a)

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

21 (a) Each school board shall establish and implement a
22 policy governing the transfer of a student from one attendance
23 center to another within the school district upon the request
24 of the 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. 6316) 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. 6316).

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) Each school board shall establish and implement a
26 policy governing the transfer of students within a school

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

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

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

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

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

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

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

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

20 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

21 Sec. 10-22.6. Suspension or expulsion of pupils; school
22 searches.

23 (a) To expel pupils guilty of gross disobedience or
24 misconduct, including gross disobedience or misconduct
25 perpetuated by electronic means, and no action shall lie

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

18 (b) To suspend or by policy to authorize the superintendent
19 of the district or the principal, assistant principal, or dean
20 of students of any school to suspend pupils guilty of gross
21 disobedience or misconduct, or to suspend pupils guilty of
22 gross disobedience or misconduct on the school bus from riding
23 the school bus, and no action shall lie against them for such
24 suspension. The board may by policy authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend pupils

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

26 (b-5) In all suspension and expulsion proceedings, a

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

1 this Code.

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

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

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

22 (2) A knife, brass knuckles or other knuckle weapon
23 regardless of its composition, a billy club, or any other
24 object if used or attempted to be used to cause bodily
25 harm, including "look alike" of any firearm as defined in
26 subdivision (1) of this subsection (d). The expulsion

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

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

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

1 or her duties or employment status or status as a student
2 inside the school. The provisions of this subsection (d-5)
3 apply in all school districts, including special charter
4 districts and districts organized under Article 34 of this
5 Code.

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

1 turn over such evidence to law enforcement authorities. The
2 provisions of this subsection (e) apply in all school
3 districts, including special charter districts and districts
4 organized under Article 34.

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

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

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

15 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
16 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
17 97-1150, eff. 1-25-13.)

18 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

19 Sec. 10-22.6a. To provide by home instruction,
20 correspondence courses or otherwise courses of instruction for
21 pupils who are unable to attend school because of pregnancy and
22 pregnancy-related conditions, the fulfillment of parenting
23 obligations related to the health of the pupil's child, or
24 health or safety concerns arising from domestic or sexual
25 violence. Such instruction shall be provided to the pupil (1)

1 before the birth of the child when the pupil's health care
2 provider ~~physician~~ has indicated to the district, in writing,
3 that the pupil is medically unable to attend regular classroom
4 instruction, ~~and~~ (2) for up to 3 months following the birth of
5 the child or a miscarriage, (3) to care for the pupil's ill
6 child when the child's health care provider has indicated to
7 the district, in writing, that the pupil's child has a serious
8 health condition, that the pupil is needed to provide care to
9 this child, and that alternative care for the child that is
10 adequate and affordable is unavailable, or (4) to treat
11 physical or mental health complications or address safety
12 concerns arising from domestic or sexual violence when the
13 pupil's domestic or sexual violence organization or health care
14 provider has indicated to the school or school district, in
15 writing, that such care is needed and will cause an absence for
16 2 or more consecutive weeks of school.

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

21 Notwithstanding any other law to the contrary, if a pupil
22 is unable to attend regular classes because of the reasons set
23 forth in this Section and if the pupil has participated in
24 instruction under this Section that is administered by the
25 school or school district, then the pupil must not be penalized
26 for grading purposes nor be denied course completion, a return

1 to regular classroom instruction, grade level advancement, or
2 graduation solely on the basis of the pupil's participation in
3 instruction under this Section or the pupil's absence from the
4 regular education program during the period of instruction
5 under this Section. Schools and school districts shall not use
6 instruction under this Section in lieu of making reasonable
7 accommodations so that children and youth who are parents,
8 expectant parents, or victims of domestic or sexual violence
9 can receive regular classroom instruction.

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

11 (105 ILCS 5/10-30 new)

12 Sec. 10-30. Review and revision of policies. All schools
13 and school districts shall review all existing policies and
14 procedures and revise any existing policies and procedures that
15 may act as a barrier to the immediate enrollment and
16 re-enrollment, attendance, graduation, and success in school
17 of any youth who is a parent, expectant parent, or victim of
18 domestic or sexual violence or any policies or procedures that
19 may compromise a criminal investigation relating to domestic or
20 sexual violence or re-victimize the youth. School districts
21 shall adopt new policies and procedures, as needed, to
22 implement this amendatory Act of the 98th General Assembly and
23 to ensure that immediate and effective steps are taken to
24 respond to youth who are parents, expectant parents, or victims
25 of domestic or sexual violence. School districts shall confer

1 with persons with expertise in youth who are parents and
2 expectant parents and with persons with expertise in youth who
3 are victims of domestic and sexual violence, including domestic
4 and sexual violence organizations, in the review and revision
5 of existing policies and procedures and the adoption and
6 implementation of new policies and procedures, including those
7 related to confidentiality, parental involvement, and a
8 youth's health or safety-related concerns in connection with
9 notifying a parent or guardian; the development and
10 distribution of materials related to such youth, including
11 outreach to youth not in school; ensuring that all materials
12 are age appropriate and culturally sensitive; and ensuring that
13 youth are notified of and understand the policies and
14 procedures, such as how and to whom to report any incident of
15 domestic or sexual violence. School districts shall take all
16 actions necessary to comply with this Section no later than
17 July 1, 2014 and every 2 years after July 1, 2014.

18 (105 ILCS 5/10-35 new)

19 Sec. 10-35. Confidentiality. School districts shall adopt
20 and implement a policy and protocol to ensure that all
21 information concerning a youth's status and related
22 experiences as a parent, expectant parent, or victim of
23 domestic or sexual violence provided to the school or school
24 district or its employees or agents pursuant to this Code or
25 otherwise, including a statement of the youth or any other

1 documentation, record, or corroborating evidence and the fact
2 that the youth has requested or obtained assistance,
3 accommodations, or services pursuant to this Code, shall be
4 retained in the strictest confidence by the school or school
5 district or its employees or agents and shall not be disclosed
6 to any other individual, including any other employee, except
7 to the extent that disclosure is (i) requested or consented to
8 in writing by the youth or the youth's parent or guardian, if
9 it is safe to obtain written consent of the youth's parent or
10 guardian, or (ii) otherwise required by applicable federal or
11 State law. Prior to disclosing information about a student's
12 status as a parent, expectant parent, or victim of domestic or
13 sexual violence, the school shall notify the student and
14 discuss and address any safety concerns related to such
15 disclosure, including instances where the student indicates or
16 the school or school district or its employees or agents are
17 otherwise aware that the student's health or safety may be at
18 risk if disclosed to the student's parent or legal guardian. No
19 youth shall be required to testify publicly concerning his or
20 her status as a victim of domestic or sexual violence,
21 allegations of domestic or sexual violence, his or her status
22 as a parent or expectant parent, or the youth's efforts to
23 enforce any of his or her rights under provisions in this Code
24 relating to youth who are parents, expectant parents, or
25 victims of domestic or sexual violence.

26 In the case of domestic or sexual violence, the person

1 named to be the perpetrator, the perpetrator's family, or any
2 other person named by the youth or named by the youth's parent
3 or guardian to be unsafe to contact must not be contacted to
4 verify the abuse. The perpetrator, the perpetrator's family, or
5 any other person named by the youth or the youth's parent or
6 guardian to be unsafe must not be contacted for any other
7 reason without written permission of the youth or written
8 permission of the youth's parent or guardian. Permission of the
9 youth's parent or guardian shall not be pursued when the youth
10 alleges that his or her health or safety would be threatened if
11 the school or school district contacts the youth's parent or
12 guardian to obtain written permission. School districts shall
13 take all actions necessary to comply with this Section no later
14 than January 1, 2014.

15 (105 ILCS 5/10-40 new)

16 Sec. 10-40. Ombudsperson.

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

25 Designated or appointed staff shall be responsible for,

1 without limitation, all of the following activities:

2 (1) Communicating with and listening to youth who are
3 parents, expectant parents, or victims of domestic or
4 sexual violence.

5 (2) Connecting such youth to appropriate in-school
6 services and other agencies, programs, and services as
7 needed.

8 (3) Coordinating and monitoring the implementation of
9 the school and school district's policies, procedures, and
10 protocols in cases involving student allegations of
11 domestic or sexual violence.

12 (4) Coordinating and monitoring the implementation of
13 the school and school district's policies, procedures, and
14 protocols as set forth in provisions of this Code
15 concerning students who are parents, expectant parents, or
16 victims of domestic or sexual violence.

17 (5) Assisting such youth in their efforts to exercise
18 and preserve their rights as set forth in provisions of
19 this Code concerning students who are parents, expectant
20 parents, or victims of domestic or sexual violence.

21 (6) Assisting in providing staff development to
22 establish a positive and sensitive learning environment
23 for such youth.

24 (b) Designated or appointed staff shall (i) be trained to
25 understand, provide information and referrals, and address
26 issues pertaining to youth who are parents, expectant parents,

1 or victims of domestic or sexual violence, including the
2 theories and dynamics of domestic and sexual violence, the
3 necessity for confidentiality and the law, policy, procedures,
4 and protocols implementing confidentiality, and the
5 notification of such youth's parent or guardian regarding the
6 youth's status as a parent, expectant parent, or victim of
7 domestic or sexual violence or the enforcement of such youth's
8 rights under this Code when such notice of the youth's status
9 or the involvement of such youth's parent or guardian may put
10 the health or safety of the youth at risk; or (ii) at a
11 minimum, have participated in an in-service training program
12 under subsection (d) of Section 10-22.39 of this Code within
13 the 12 months prior to designation or appointment.

14 (c) School districts shall designate or appoint and train
15 all ombudspersons, and such personnel shall assist in
16 implementing the duties described in this Section no later than
17 April 1, 2014, except in those school districts where there
18 exists a collective bargaining agreement at the time this
19 Section becomes effective and where implementation of this
20 Section would be a violation of that collective bargaining
21 agreement on or before April 1, 2014. In the event
22 implementation of some activities required under this Section
23 is prevented by an existing collective bargaining agreement,
24 school districts must comply with this Section to the fullest
25 extent allowed by the existing collective bargaining agreement
26 no later than April 1, 2014. In those instances where a

1 collective bargaining agreement, which either fully or
2 partially prevents full implementation of this Section,
3 expires after April 1, 2014, school districts shall designate
4 or appoint and train all ombudspersons, who shall implement the
5 duties described in this Section no later than the effective
6 date of the new collective bargaining agreement that
7 immediately succeeds the collective bargaining agreement in
8 effect at the time this Section becomes effective.

9 (d) This Section applies to all schools and school
10 districts, including special charter schools and districts and
11 schools and districts organized under Article 33 or 34 of this
12 Code.

13 (105 ILCS 5/10-45 new)

14 Sec. 10-45. Accommodations and services.

15 (a) To facilitate the full participation of youth who are
16 parents, expectant parents, or victims of domestic or sexual
17 violence, schools and school districts shall provide these
18 youth with reasonable accommodations and adjustments in school
19 policy and practice, in-school support services, access to
20 non-school based support services, and the ability to make up
21 work missed on account of circumstances related to the youth's
22 status as a parent, expectant parent, or victim of domestic or
23 sexual violence. Victims of domestic or sexual violence shall
24 have access to these accommodations and services regardless of
25 when or where the violence for which they are seeking

1 accommodations or services occurred. All accommodations and
2 services shall be continued for as long as necessary to
3 maintain the mental and physical well-being and safety of the
4 youth.

5 (b) Reasonable accommodations and adjustments shall
6 include, but not be limited to, the provision of sufficiently
7 private settings to ensure confidentiality and time off from
8 class for meetings with counselors or other service providers;
9 assisting the youth in creating a student success plan;
10 transfer of the victim of domestic or sexual violence or the
11 student perpetrator to a different classroom or school; change
12 of seating assignment; implementation of in-school, school
13 grounds, and bus safety procedures; honoring court orders,
14 including orders of protection and no-contact orders; and any
15 other accommodation that may facilitate the full participation
16 in the regular education program of youth who are parents,
17 expectant parents, or victims of domestic or sexual violence.

18 (c) If a youth who is a parent, expectant parent, or victim
19 of domestic or sexual violence is at risk of academic failure
20 or displays poor academic performance, the youth or the youth's
21 parent or guardian may request that the school and school
22 district provide the youth with or refer the youth to education
23 and support services designed to assist the youth in meeting
24 State learning standards. Schools and school districts may
25 either provide education or support services directly or may
26 collaborate with public or private State, local, or

1 community-based organizations or agencies that provide these
2 services. Schools and school districts shall also assist youth
3 who are parents, expectant parents, or victims of domestic or
4 sexual violence in accessing the support services of non-school
5 based organizations and agencies where such youth typically
6 receive services in the community.

7 (d) Any youth who is unable, because of circumstances
8 related to the youth's status as a parent, expectant parent, or
9 victim of domestic or sexual violence, to participate in
10 classes on a particular day or days or at a particular time of
11 day must be excused from any examination or any study or work
12 assignments on such particular day or days or at such
13 particular time of day. It is the responsibility of the
14 teachers and of the school administrative personnel and
15 officials to make available to each youth who is unable to
16 participate because of circumstances related to the youth's
17 status as a parent, expectant parent, or victim of domestic or
18 sexual violence a meaningful opportunity to make up any
19 examination, study, or work requirements that he or she has
20 missed because of such inability to participate on any
21 particular day or days or at any particular time of day.

22 Costs assessed by a school or school district on youth for
23 participation in such activities shall be considered savable
24 fees for any youth whose parents or guardians are unable to
25 afford them, consistent with the provisions of Section 10-20.13
26 of this Code. School districts shall adopt written policies and

1 procedures for waiver of such fees in accordance with rules
2 adopted by the State Board of Education.

3 (e) When a school or school district employee or agent
4 becomes aware of or suspects a youth's status as a parent,
5 expectant parent, or victim of domestic or sexual violence, it
6 is the responsibility of the employee or agent of the school or
7 school district to inform the youth of the available services
8 and accommodations at school and in the community that may
9 assist the youth in maintaining his or her full educational
10 participation and his or her successful performance. The school
11 or school district employee or agent shall also refer the youth
12 to the school district's specially trained personnel as set
13 forth in Section 10-40 of this Code. Respecting youth privacy,
14 confidentiality, mental and physical health, and safety shall
15 be the paramount concern.

16 (f) Schools shall honor a youth's decision to obtain
17 education and support services, accommodations, and non-school
18 based support services, to terminate the receipt of such
19 services, or to decline participation in such services. No
20 youth is obligated to use education and support services,
21 accommodations, or non-school based support services. In
22 developing accommodations, adjustments, or educational support
23 services, the privacy, mental and physical health, and safety
24 of the youth shall be the paramount concern. No adverse or
25 prejudicial effects may result to any youth because of his or
26 her availing himself or herself of or declining the provisions

1 of this Section.

2 (g) Any support services must be available to youth
3 receiving education and support services in any school or by
4 home or hospital instruction.

5 (h) Individual, peer, group, and family counseling
6 services or psychotherapy shall be available consistent with
7 the provisions of the Mental Health and Developmental
8 Disabilities Code.

9 (105 ILCS 5/13A-11)

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

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

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

19 (1) Student civil rights;

20 (2) Staff civil rights;

21 (3) Health and safety;

22 (4) Performance and financial audits;

23 (5) The Illinois Goals Assessment Program;

24 (6) Chicago learning outcomes;

25 (7) Sections 2-3.25a through 2-3.25j of the School

1 Code;

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

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

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

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

7 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

11 "Valid cause" for absence shall be illness, attendance at
12 pregnancy-related medical appointments, observance of a
13 religious holiday, death in the immediate family, family
14 emergency, fulfillment of the student's parenting
15 responsibilities (including, but not limited to, arranging and
16 providing child care, caring for the student's sick child, and
17 attending medical appointments for the student's child), or
18 addressing circumstances resulting from domestic or sexual
19 violence (including, but not limited to, experiencing domestic
20 or sexual violence, recovering from physical or psychological
21 injuries, seeking medical attention, seeking services from a
22 domestic or sexual victim services organization, seeking
23 psychological or other counseling, participating in safety
24 planning, temporarily or permanently relocating, seeking legal
25 assistance or remedies, or taking other actions to increase the

1 safety or health of the student or to protect the student from
2 future domestic or sexual violence) and shall include such
3 other situations beyond the control of the student as
4 determined by the board of education in each district, or such
5 other circumstances which cause reasonable concern to the
6 parent or the student for the safety or health of the student.

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

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

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

26 "Religion" for the purposes of this Article, includes all

1 aspects of religious observance and practice, as well as
2 belief.

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

4 (105 ILCS 5/27A-5)

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

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

11 (b) A charter school may be established under this Article
12 by creating a new school or by converting an existing public
13 school or attendance center to charter school status. Beginning
14 on the effective date of this amendatory Act of the 93rd
15 General Assembly, in all new applications submitted to the
16 State Board or a local school board to establish a charter
17 school in a city having a population exceeding 500,000,
18 operation of the charter school shall be limited to one campus.
19 The changes made to this Section by this amendatory Act of the
20 93rd General Assembly do not apply to charter schools existing
21 or approved on or before the effective date of this amendatory
22 Act.

23 (c) A charter school shall be administered and governed by
24 its board of directors or other governing body in the manner
25 provided in its charter. The governing body of a charter school

1 shall be subject to the Freedom of Information Act and the Open
2 Meetings Act.

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

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

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

19 (g) A charter school shall comply with all provisions of
20 this Article, the Illinois Educational Labor Relations Act, and
21 its charter. A charter school is exempt from all other State
22 laws and regulations in the School Code governing public
23 schools and local school board policies, except the following:

24 (1) Sections 10-21.9 and 34-18.5 of the School Code
25 regarding criminal history records checks and checks of the
26 Statewide Sex Offender Database and Statewide Murderer and

1 Violent Offender Against Youth Database of applicants for
2 employment;

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

5 (3) The Local Governmental and Governmental Employees
6 Tort Immunity Act;

7 (4) Section 108.75 of the General Not For Profit
8 Corporation Act of 1986 regarding indemnification of
9 officers, directors, employees, and agents;

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

11 (6) The Illinois School Student Records Act;

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

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

16 (9) All provisions concerning students who are
17 parents, expectant parents, or victims of domestic or
18 sexual violence.

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

21 (h) A charter school may negotiate and contract with a
22 school district, the governing body of a State college or
23 university or public community college, or any other public or
24 for-profit or nonprofit private entity for: (i) the use of a
25 school building and grounds or any other real property or
26 facilities that the charter school desires to use or convert

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

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be subject
2 to negotiation between the charter school and the local school
3 board and shall be set forth in the charter.

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

6 (k) If the charter school is approved by the Commission,
7 then the Commission charter school is its own local education
8 agency.

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

13 (105 ILCS 5/34-18.24)

14 Sec. 34-18.24. Transfer of students.

15 (a) The board shall establish and implement a policy
16 governing the transfer of a student from one attendance center
17 to another within the school district upon the request of the
18 student's parent or guardian. Any request by a parent or
19 guardian to transfer his or her child from one attendance
20 center to another within the school district pursuant to
21 Section 1116 of the federal Elementary and Secondary Education
22 Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30
23 days after the parent or guardian receives notice of the right
24 to transfer pursuant to that law. A student may not transfer to
25 any of the following attendance centers, except by change in

1 residence if the policy authorizes enrollment based on
2 residence in an attendance area or unless approved by the board
3 on an individual basis:

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

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

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

19 (b) The board shall establish and implement a policy
20 governing the transfer of students within the school district
21 from a persistently dangerous attendance center to another
22 attendance center in that district that is not deemed to be
23 persistently dangerous. In order to be considered a
24 persistently dangerous attendance center, the attendance
25 center must meet all of the following criteria for 2
26 consecutive years:

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

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

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

10 (c) A student may transfer from one attendance center to
11 another attendance center within the district if the student is
12 a victim of a violent crime as defined in Section 3 of the
13 Rights of Crime Victims and Witnesses Act. The violent crime
14 must have occurred on school grounds during regular school
15 hours or during a school-sponsored event. A student who is a
16 victim of domestic or sexual violence, regardless of when the
17 violence occurred, whether or not the domestic or sexual
18 violence is the subject of a criminal investigation or the
19 student's perpetrator has been criminally charged or convicted
20 of a crime, whether or not an order of protection or a
21 no-contact order is pending before or issued by a court, and
22 whether or not any domestic or sexual violence took place on
23 school grounds during regular school hours or during a
24 school-sponsored event, shall be permitted to transfer schools
25 immediately and as needed, including to another school
26 district, if the student's continued attendance at a particular

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

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. 92-604, eff. 7-1-02; 93-633, eff. 12-23-03.)

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

19 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

20 Sec. 5. (a) A parent or any person specifically designated
21 as a representative by a parent shall have the right to inspect
22 and copy all school student permanent and temporary records of
23 that parent's child, except where a student is a parent,
24 expectant parent, or victim of domestic or sexual violence. All

1 information concerning a student's status and related
2 experiences as a parent, expectant parent, or victim of
3 domestic or sexual violence, including a statement of the
4 student or any other documentation, record, or corroborating
5 evidence and the fact that the student has requested or
6 obtained assistance, accommodations, or services related to
7 that status, shall be retained in the strictest confidence. The
8 information contained in the student's permanent or temporary
9 record may be disclosed if, prior to disclosing the information
10 about a student's status as a parent, expectant parent, or
11 victim of domestic or sexual violence, the school or school
12 district notifies the student and discusses and addresses any
13 health or safety concerns related to such disclosure. If the
14 health or safety concerns cannot be satisfied to the student's
15 satisfaction, the information concerning the student's status
16 and related experiences as a parent, expectant parent, or
17 victim of domestic or sexual violence shall not be disclosed as
18 part of the student's permanent or temporary record. A student
19 shall have the right to inspect and copy his or her school
20 student permanent record. No person who is prohibited by an
21 order of protection from inspecting or obtaining school records
22 of a student pursuant to the Illinois Domestic Violence Act of
23 1986, as now or hereafter amended, shall have any right of
24 access to, or inspection of, the school records of that
25 student. If a school's principal or person with like
26 responsibilities or his designee has knowledge of such order of

1 protection, the school shall prohibit access or inspection of
2 the student's school records by such person.

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

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

20 (d) The school may charge its reasonable costs for the
21 copying of school student records, not to exceed the amounts
22 fixed in schedules adopted by the State Board, to any person
23 permitted to copy such records, except that no parent or
24 student shall be denied a copy of school student records as
25 permitted under this Section 5 for inability to bear the cost
26 of such copying.

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

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

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

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

15 (1) Communications otherwise protected by law as
16 privileged or confidential, including but not limited to,
17 information communicated in confidence to a physician,
18 psychologist or other psychotherapist, school social
19 worker, school counselor, school psychologist, or school
20 social worker, school counselor, or school psychologist
21 intern who works under the direct supervision of a school
22 social worker, school counselor, or school psychologist;
23 or

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

26 (3) Information which is communicated by a student,

1 parent, or guardian to a law enforcement professional
2 working in the school, except as provided by court order.

3 (g) No school employee shall be subjected to adverse
4 employment action, the threat of adverse employment action, or
5 any manner of discrimination because the employee is acting or
6 has acted to protect communications as privileged or
7 confidential pursuant to applicable provisions of State or
8 federal law or rule or regulation.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.