



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1728

Introduced 2/25/2005, by Sen. Iris Y. Martinez - Kimberly A. Lightford - Jeffrey M. Schoenberg - Martin A. Sandoval - Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Creates the Ensuring Success in School Law to (1) ensure that youth who are expectant parents, parents, or the victims of domestic or sexual violence are identified by schools in a manner respectful of their privacy and safety, treated with dignity and regard, and provided the protection, instruction, and related support services necessary to enable them to meet State educational standards and successfully attain a high school diploma; (2) ensure that key Illinois school-level staff and policymakers understand and are sensitive to the needs and characteristics of such youth; (3) afford protections in a school setting to a population of youth who have historically been stigmatized and discriminated against; and (4) promote best practices in Illinois' schools. Contains provisions concerning a statewide working group and model policies, procedures, and protocols; confidentiality; specially trained school personnel; parental involvement; enrollment and re-enrollment; special attention to youth not in school; school transfer; the right to attend school; absences and attendance; chronic or habitual truants and minors; in-school support services; in-school accommodations; non-school based support services; the responsibility to inform youth of available services and accommodations; a student success plan; missed classes and work; procedural safeguards and an ombudsperson; dispute resolution procedures; educational placement during pendency of proceedings; a notice of rights; review and revision of policies; dropout and graduation rates; and compliance. Makes other changes in the School Code concerning the transfer of students, the suspension and expulsion of pupils, home instruction, alternative schools, truants, and charter schools. Amends the State Mandates Act to require implementation without reimbursement. Provides that the provisions are severable. Effective immediately.

LRB094 09408 NHT 42128 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT 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 5. The School Code is amended by changing Sections
5 2-3.13a, 10-21.3a, 10-22.6, 10-22.6a, 13A-11, 26-2, 26-2a,
6 26-3d, 27A-5, and 34-18.24 and by adding Article 13C as
7 follows:

8 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

9 Sec. 2-3.13a. School records; transferring students.

10 (a) The State Board of Education shall establish and
11 implement rules requiring all of the public schools and all
12 private or nonpublic elementary and secondary schools located
13 in this State, whenever any such school has a student who is
14 transferring to any other public elementary or secondary school
15 located in this or in any other state, to forward within 10
16 days of notice of the student's transfer an unofficial record
17 of that student's grades to the school to which such student is
18 transferring. Each public school at the same time also shall
19 forward to the school to which the student is transferring the
20 remainder of the student's school student records as required
21 by the Illinois School Student Records Act. In addition, if a
22 student is transferring from a public school, whether located
23 in this or any other state, from which the student has been
24 suspended or expelled for knowingly possessing in a school
25 building or on school grounds a weapon as defined in the Gun
26 Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly
27 possessing, selling, or delivering in a school building or on
28 school grounds a controlled substance or cannabis, or for
29 battering a staff member of the school, and if the period of
30 suspension or expulsion has not expired at the time the student
31 attempts to transfer into another public school in the same or
32 any other school district: (i) any school student records

1 required to be transferred shall include the date and duration
2 of the period of suspension or expulsion; and (ii) with the
3 exception of transfers into the Department of Corrections
4 school district, the student shall not be permitted to attend
5 class in the public school into which he or she is transferring
6 until the student has served the entire period of the
7 suspension or expulsion imposed by the school from which the
8 student is transferring, provided that the school board may
9 approve the placement of the student in an alternative school
10 program established under Article 13A of this Code. A school
11 district may adopt a policy providing that if a student is
12 suspended or expelled for any reason from any public or private
13 school in this or any other state, the student must complete
14 the entire term of the suspension or expulsion before being
15 admitted into the school district. This policy may allow
16 placement of the student in an alternative school program
17 established under Article 13A of this Code, if available, for
18 the remainder of the suspension or expulsion. Each public
19 school and each private or nonpublic elementary or secondary
20 school in this State shall within 10 days after the student has
21 paid all of his or her outstanding fines and fees and at its
22 own expense forward an official transcript of the scholastic
23 records of each student transferring from that school in strict
24 accordance with the provisions of this Section and the rules
25 established by the State Board of Education as herein provided.

26 (b) The State Board of Education shall develop a one-page
27 standard form that Illinois school districts are required to
28 provide to any student who is moving out of the school district
29 and that contains the information about whether or not the
30 student is "in good standing" and whether or not his or her
31 medical records are up-to-date and complete. As used in this
32 Section, "in good standing" means that the student is not being
33 disciplined by a suspension or expulsion, but is entitled to
34 attend classes. No school district is required to admit a new
35 student who is transferring from another Illinois school
36 district unless he or she can produce the standard form from

1 the student's previous school district enrollment. No school
2 district is required to admit a new student who is transferring
3 from an out-of-state public school unless the parent or
4 guardian of the student certifies in writing that the student
5 is not currently serving a suspension or expulsion imposed by
6 the school from which the student is transferring.

7 (c) The State Board of Education shall, by rule, establish
8 a system to provide for the accurate tracking of transfer
9 students. This system shall, at a minimum, require that a
10 student be counted as a dropout in the calculation of a
11 school's or school district's annual student dropout rate
12 unless the school or school district to which the student
13 transferred (known hereafter in this subsection (c) as the
14 transferee school or school district) sends notification to the
15 school or school district from which the student transferred
16 (known hereafter in this subsection (c) as the transferor
17 school or school district) documenting that the student has
18 enrolled in the transferee school or school district. This
19 notification must occur within 150 days after the date the
20 student withdraws from the transferor school or school district
21 or the student shall be counted in the calculation of the
22 transferor school's or school district's annual student
23 dropout rate. This system shall also, at a minimum, require
24 that schools and school districts separately track the transfer
25 rates of students who are expectant parents or parents. The
26 transfer rate for students who are expectant parents or parents
27 shall be reported and made public along with the dropout and
28 graduation rates that are reported pursuant to Section 10-17a
29 of this Code. A request by the transferee school or school
30 district to the transferor school or school district seeking
31 the student's academic transcripts or medical records shall be
32 considered without limitation adequate documentation of
33 enrollment. Each transferor school or school district shall
34 keep documentation of such transfer students for the minimum
35 period provided in the Illinois School Student Records Act. All
36 records indicating the school or school district to which a

1 student transferred are subject to the Illinois School Student
2 Records Act.

3 (Source: P.A. 92-64, eff. 7-12-01; 93-859, eff. 1-1-05.)

4 (105 ILCS 5/10-21.3a)

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

6 (a) Each school board shall establish and implement a
7 policy governing the transfer of a student from one attendance
8 center to another within the school district upon the request
9 of the student's parent or guardian. Any request by a parent or
10 guardian to transfer his or her child from one attendance
11 center to another within the school district pursuant to
12 Section 1116 of the federal Elementary and Secondary Education
13 Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30
14 days after the parent or guardian receives notice of the right
15 to transfer pursuant to that law. A student may not transfer to
16 any of the following attendance centers, except by change in
17 residence if the policy authorizes enrollment based on
18 residence in an attendance area or unless approved by the board
19 on an individual basis:

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

22 (2) An attendance center for which the board has
23 established academic criteria for enrollment if the
24 student does not meet the criteria, provided that the
25 transfer must be permitted if the attendance center is the
26 only attendance center serving the student's grade that has
27 not been identified for school improvement, corrective
28 action, or restructuring under Section 1116 of the federal
29 Elementary and Secondary Education Act of 1965 (20 U.S.C.
30 Sec. 6317).

31 (3) Any attendance center if the transfer would prevent
32 the school district from meeting its obligations under a
33 State or federal law, court order, or consent decree
34 applicable to the school district.

35 (b) Each school board shall establish and implement a

1 policy governing the transfer of students within a school
2 district from a persistently dangerous school to another public
3 school in that district that is not deemed to be persistently
4 dangerous. In order to be considered a persistently dangerous
5 school, the school must meet all of the following criteria for
6 2 consecutive years:

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

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

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

14 (c) A student may transfer from one public school to
15 another public school in that district if the student is a
16 victim of a violent crime as defined in Section 3 of the Rights
17 of Crime Victims and Witnesses Act. The violent crime must have
18 occurred on school grounds during regular school hours or
19 during a school-sponsored event. A student who is a victim of
20 domestic or sexual violence, regardless of whether the
21 student's perpetrator has been criminally charged or
22 convicted, and regardless of whether the incident occurred 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
27 school facility or location poses a risk to his or her safety.

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

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

32 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

33 Sec. 10-22.6. Suspension or expulsion of pupils; school
34 searches.

35 (a) To expel pupils guilty of gross disobedience or

1 misconduct, and no action shall lie against them for such
2 expulsion. Expulsion shall take place only after the parents
3 have been requested to appear at a meeting of the board, or
4 with a hearing officer appointed by it, to discuss their
5 child's behavior. Such request shall be made by registered or
6 certified mail and shall state the time, place and purpose of
7 the meeting. The board, or a hearing officer appointed by it,
8 at such meeting shall state the reasons for dismissal and the
9 date on which the expulsion is to become effective. If a
10 hearing officer is appointed by the board he shall report to
11 the board a written summary of the evidence heard at the
12 meeting and the board may take such action thereon as it finds
13 appropriate.

14 (b) To suspend or by regulation to authorize the
15 superintendent of the district or the principal, assistant
16 principal, or dean of students of any school to suspend pupils
17 guilty of gross disobedience or misconduct, or to suspend
18 pupils guilty of gross disobedience or misconduct on the school
19 bus from riding the school bus, and no action shall lie against
20 them for such suspension. The board may by regulation authorize
21 the superintendent of the district or the principal, assistant
22 principal, or dean of students of any school to suspend pupils
23 guilty of such acts for a period not to exceed 10 school days.
24 If a pupil is suspended due to gross disobedience or misconduct
25 on a school bus, the board may suspend the pupil in excess of
26 10 school days for safety reasons. Any suspension shall be
27 reported immediately to the parents or guardian of such pupil
28 along with a full statement of the reasons for such suspension
29 and a notice of their right to a review, a copy of which shall
30 be given to the school board. Upon request of the parents or
31 guardian the school board or a hearing officer appointed by it
32 shall review such action of the superintendent or principal,
33 assistant principal, or dean of students. At such review the
34 parents or guardian of the pupil may appear and discuss the
35 suspension with the board or its hearing officer. If a hearing
36 officer is appointed by the board he shall report to the board

1 a written summary of the evidence heard at the meeting. After
2 its hearing or upon receipt of the written report of its
3 hearing officer, the board may take such action as it finds
4 appropriate.

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

9 (c-5) The General Assembly finds that some instances of
10 suspension or expulsion from school due to gross disobedience
11 or misconduct may arise due to a youth's status as an expectant
12 parent, parent, or victim of domestic or sexual violence. An
13 advocate of the pupil's choice must be permitted to consult
14 with the school board whenever there is evidence that the
15 pupil's status as an expectant parent, parent, or victim of
16 domestic or sexual violence may be the cause for expulsion or
17 suspension. This subsection (c-5) applies to all school
18 districts, including special charter districts and districts
19 organized under Article 34 of this Code.

20 (d) The board may expel a student for a definite period of
21 time not to exceed 2 calendar years, as determined on a case by
22 case basis. A student who is determined to have brought a
23 weapon to school, any school-sponsored activity or event, or
24 any activity or event which bears a reasonable relationship to
25 school shall be expelled for a period of not less than one
26 year, except that the expulsion period may be modified by the
27 superintendent, and the superintendent's determination may be
28 modified by the board on a case by case basis. For the purpose
29 of this Section, the term "weapon" means (1) possession, use,
30 control, or transfer of any gun, rifle, shotgun, weapon as
31 defined by Section 921 of Title 18, United States Code, firearm
32 as defined in Section 1.1 of the Firearm Owners Identification
33 Act, or use of a weapon as defined in Section 24-1 of the
34 Criminal Code, (2) any other object if used or attempted to be
35 used to cause bodily harm, including but not limited to,
36 knives, brass knuckles, or billy clubs, or (3) "look alike" of

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

10 (e) To maintain order and security in the schools, school
11 authorities may inspect and search places and areas such as
12 lockers, desks, parking lots, and other school property and
13 equipment owned or controlled by the school, as well as
14 personal effects left in those places and areas by students,
15 without notice to or the consent of the student, and without a
16 search warrant. As a matter of public policy, the General
17 Assembly finds that students have no reasonable expectation of
18 privacy in these places and areas or in their personal effects
19 left in these places and areas. School authorities may request
20 the assistance of law enforcement officials for the purpose of
21 conducting inspections and searches of lockers, desks, parking
22 lots, and other school property and equipment owned or
23 controlled by the school for illegal drugs, weapons, or other
24 illegal or dangerous substances or materials, including
25 searches conducted through the use of specially trained dogs.
26 If a search conducted in accordance with this Section produces
27 evidence that the student has violated or is violating either
28 the law, local ordinance, or the school's policies or rules,
29 such evidence may be seized by school authorities, and
30 disciplinary action may be taken. School authorities may also
31 turn over such evidence to law enforcement authorities. The
32 provisions of this subsection (e) apply in all school
33 districts, including special charter districts and districts
34 organized under Article 34.

35 (f) Suspension or expulsion may include suspension or
36 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

2 (g) A school district may adopt a policy providing that if
3 a student is suspended or expelled for any reason from any
4 public or private school in this or any other state, the
5 student must complete the entire term of the suspension or
6 expulsion before being admitted into the school district. This
7 policy may allow placement of the student in an alternative
8 school program established under Article 13A of this Code, if
9 available, for the remainder of the suspension or expulsion.
10 However, the school district must include a provision that
11 requires that expectant and parenting pupils and victims of
12 domestic or sexual violence receive special consideration in
13 reviews during the disciplinary period. This subsection (g)
14 applies to all school districts, including special charter
15 districts and districts organized under Article 34 of this
16 Code.

17 (h) If a pupil is faced with either (i) suspension from
18 school due to gross disobedience or misconduct or suspension
19 from riding a school bus due to gross disobedience or
20 misconduct on the school bus as provided in this Section or
21 (ii) expulsion due to gross disobedience or misconduct as
22 provided in this Section and if there is a substantial
23 relationship between the behavior that gives rise to the
24 suspension or expulsion proceedings and the pupil's status as
25 an expectant parent, parent, or victim of domestic or sexual
26 violence, then the suspension or expulsion requirement may be
27 modified by the district superintendent on a case-by-case
28 basis. This paragraph (h) does not apply to situations in which
29 the pupil who faces suspension or expulsion is the primary
30 aggressor in a relationship with a history of domestic or
31 sexual violence. In this subsection (h), "primary aggressor"
32 means the person determined to be the most significant, rather
33 than the first, aggressor. This subsection (h) applies to all
34 school districts, including special charter districts and
35 districts organized under Article 34 of this Code.

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

1 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

2 Sec. 10-22.6a. To provide by home instruction,
3 correspondence courses or otherwise courses of instruction for
4 pupils who are unable to attend school because of pregnancy and
5 pregnancy-related conditions, the fulfillment of parenting
6 obligations related to the health and safety of the pupil's
7 child, or circumstances related to domestic or sexual violence.
8 Such instruction shall be provided to the pupil (1) before the
9 birth of the child when the pupil's health care provider
10 physician has indicated to the district, in writing, that the
11 pupil is medically unable to attend regular classroom
12 instruction, ~~and~~ (2) for up to 3 months following the birth of
13 the child or a miscarriage, (3) for as long as needed to care
14 for the pupil's ill child when the child's health care provider
15 has indicated to the district, in writing, that the pupil is
16 needed to provide care to the sick child and the pupil or the
17 school is unable to arrange alternative child care, or (4) for
18 as long as needed to treat physical or mental health
19 complications arising from domestic or sexual violence when the
20 pupil's domestic or sexual violence service or health care
21 provider has indicated to the district, in writing, that such
22 care is needed.

23 The instruction ~~course~~ shall ~~be designed to~~ offer
24 educational experiences that are equivalent to those given to
25 pupils at the same grade level in the district and that are
26 designed to enable the pupil to return to the regular education
27 program classroom. The State Board of Education shall adopt
28 rules to ensure that pupils receiving the instruction obtain
29 services that are equivalent to those received by pupils in the
30 regular education program.

31 Notwithstanding any other law to the contrary, if a pupil
32 is unable to attend regular classes because of the reasons set
33 forth in this Section and if the pupil has participated in
34 instruction under this Section that is administered by the
35 school district, then the pupil must not be penalized for

1 grading purposes nor be denied course completion, grade level
2 advancement, or graduation solely on the basis of the pupil's
3 absence from the regular education program during the period of
4 this instruction.

5 School administrators shall inform students of their right
6 to participate in instruction under this Section.

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

8 (105 ILCS 5/13A-11)

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

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

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

18 (1) Student civil rights;

19 (2) Staff civil rights;

20 (3) Health and safety;

21 (4) Performance and financial audits;

22 (5) The Illinois Goals Assessment Program;

23 (6) Chicago learning outcomes;

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

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

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

28 (10) Article 13C of this Code.

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

30 (105 ILCS 5/Art. 13C heading new)

31 ARTICLE 13C. ENSURING SUCCESS IN SCHOOL

32 (105 ILCS 5/13C-1 new)

33 Sec. 13C-1. Short title. This Article may be cited as the

1 Ensuring Success in School Law.

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

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

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

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

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

24 (4) To promote best practices in Illinois' schools for
25 the fulfillment of the constitutional goal of the
26 "educational development of all persons to the limits of
27 their capacities".

28 (105 ILCS 5/13C-10 new)

29 Sec. 13C-10. Legislative findings. The General Assembly
30 finds and declares all of the following:

31 (1) Youth, due to early pregnancy, childbearing,
32 parenting, or the experience of domestic or sexual
33 violence, experience significant educational losses
34 leading to a lifelong loss of schooling.

1 (2) Half of teen mothers drop out of school before
2 becoming pregnant and almost 60% of youth with a school-age
3 pregnancy drop out between 8th and 12th grade.

4 (3) Only 64% of teen mothers complete their high school
5 education or receive a GED.

6 (4) Those parenting youth who do complete high school
7 are less likely to attend college than their peers without
8 children.

9 (5) This issue is of particular concern in Illinois
10 where over 10% of Illinois births are to teen mothers and
11 between 2000 and 2002 more than 59,700 Illinois teens gave
12 birth.

13 (6) More than 60% of young women who become pregnant as
14 youths have been sexually or physically abused at some
15 point in their lives.

16 (7) Over 60% of forcible rapes occur before the victim
17 is 18 years old.

18 (8) In 2001, 8.1% of Illinois students reported being a
19 victim of dating violence and 5.6% reported having been
20 sexually assaulted.

21 (9) Physical and sexual dating violence against
22 adolescent girls is associated with increased risk of
23 substance abuse, unhealthy weight control behaviors,
24 sexual risk behaviors, pregnancy, and suicide.

25 (10) Violence exposure is significantly and positively
26 associated with attention and behavior problems in school
27 and rates of school drop-out and suspension or expulsion.

28 (11) Lifelong loss of schooling has a significant
29 impact on one's ability to attain economic success and
30 stability later in life.

31 (12) Youth who graduate from high school on the average
32 earn \$9,245 more per year than high school dropouts.

33 (13) Youth who drop out of high school are 72% more
34 likely to be unemployed than those who graduate, and they
35 remain unemployed for longer periods than their
36 counterparts with a high school degree.

1 (105 ILCS 5/13C-15 new)

2 Sec. 13C-15. Definitions. In this Article:

3 "At risk of academic failure" means a student who is at
4 risk of failing to meet Illinois learning standards or failing
5 to graduate from elementary or high school and who demonstrates
6 a need for educational support or social services beyond those
7 provided by the regular school program.

8 "Chronic or habitual truant", "truant minor", and
9 "dropout" have the meanings ascribed to those terms in Section
10 26-2a of this School Code.

11 "Domestic violence" includes one or more acts or threats of
12 violence among family or household members or persons who have
13 or have had a dating or engagement relationship, not including
14 acts of self defense or the defense of another, as defined in
15 Section 103 of the Illinois Domestic Violence Act of 1986.

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

20 "Expectant parent" means a female who is pregnant or a male
21 who voluntarily identifies himself as the parent of an unborn
22 child by seeking services for teen parents and who has not yet
23 graduated from high school with a regular high school diploma.

24 "Parent" means a person who is a custodial parent or a
25 noncustodial parent taking an active role in the care and
26 supervision of a child and who has not yet graduated from high
27 school with a regular high school diploma.

28 "Perpetrator" means an individual who commits or is alleged
29 to have committed any act or threat of domestic or sexual
30 violence.

31 "Poor academic performance" means that a student has (i)
32 scored in the 50th percentile or below on district-administered
33 standardized tests; (ii) received a score on a State assessment
34 that does not meet standards in one or more of the fundamental
35 learning areas under Section 27-1 of this Code, as applicable

1 for the student's grade level; or (iii) not met grade-level
2 expectations on a district-designed assessment.

3 "Previous school" means the school in which a youth was
4 last enrolled or the school that a youth last attended.

5 "Previous school district" means the school district in
6 which a youth was last enrolled or the school district that a
7 youth last attended.

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

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

28 "Sexual violence" means sexual assault, abuse, or stalking
29 of an adult or minor child proscribed in the Criminal Code of
30 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
31 12-14.1, 12-15, 12-16, including sexual violence committed by
32 perpetrators who are strangers to the victim and sexual
33 violence committed by perpetrators who are known or related by
34 blood or marriage to the victim.

35 "Student" or "pupil" means any youth enrolled, eligible to
36 enroll, or previously enrolled in a school.

1 "Support services" means services that help an enrolled
2 youth by enhancing his or her academic ability or mental and
3 physical health or facilitating access to academic programs and
4 services, such as, but not limited to, child care and
5 transportation. The purpose of support services is to enable an
6 enrolled youth to earn a high school diploma.

7 "Victim" means an individual who has been subjected to one
8 or more acts or threats of domestic or sexual violence. A
9 school district may require a youth to provide documentation
10 that he or she is or has been a victim of domestic or sexual
11 violence. Any one of the following shall be acceptable proof of
12 a youth's claim of domestic or sexual violence:

13 (1) A written statement from the youth or anyone who
14 has knowledge of the circumstances that supports the
15 youth's claim.

16 (2) A police report, government agency record, or court
17 record.

18 (3) A statement, or other documentation from a domestic
19 or sexual violence program or rape crisis organization from
20 which the youth sought services or advice.

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

25 (5) Other evidence, such as physical evidence of
26 violence.

27 (6) Any other evidence that supports the claim.

28 The person named to be the perpetrator, the perpetrator's
29 family, or any other person named by the youth or named by the
30 youth's parent or guardian to be unsafe to contact must not be
31 contacted to verify the abuse. The perpetrator, the
32 perpetrator's family, or any other person named by the youth or
33 the youth's parent or guardian to be unsafe must not be
34 contacted for any other reason without written permission of
35 the youth or written permission of the youth's parent or
36 guardian, except when the youth states that his or her health

1 or safety would be threatened if the school or school district
2 contacts the youth's parent or guardian to obtain written
3 permission. A youth who has provided documentation
4 establishing status as a past or current victim of domestic or
5 sexual violence must not be required to submit additional
6 documentation to re-establish status as a past or current
7 victim of domestic or sexual violence.

8 "Youth", except as otherwise provided in this Law, means a
9 child, student, or juvenile below the age of 21 years who has
10 not yet completed his or her prescribed course of study or has
11 not graduated from high school with a regular high school
12 diploma. "Youth" includes, but is not limited to, unaccompanied
13 youth not in the physical custody of a parent or guardian.

14 (105 ILCS 5/13C-20 new)

15 Sec. 13C-20. Statewide working group and model policies,
16 procedures, and protocols.

17 (a) The State Board of Education shall form a statewide
18 working group comprised of representatives of the State Board,
19 educators, school social workers, counselors, psychologists,
20 and representatives of Illinois' nonprofit domestic violence
21 and sexual violence community. This working group shall be
22 charged with developing model policies, procedures, and
23 protocols for the implementation of this Law and that address
24 the issues set forth in subsection (c) of this Section.

25 (b) School districts shall either adopt and implement the
26 model policies, procedures, and protocols or develop, adopt,
27 and implement their own policies, procedures, and protocols for
28 the implementation of this Law and that address the issues set
29 forth in subsection (c) of this Section. School districts that
30 do not adopt the model policies, procedures, and protocols
31 developed by the statewide working group shall form a local
32 working group comprised of representatives of the school
33 district, educators, school social workers, counselors,
34 psychologists, and representatives of the local nonprofit
35 domestic violence and sexual violence community to develop

1 their own policies, procedures, and protocols, which the school
2 district shall then adopt and implement.

3 (c) At minimum, the policies, procedures, and protocols
4 developed by either the statewide or local working groups shall
5 address all of the following:

6 (1) Allegations of domestic or sexual violence in cases
7 involving student victims. The working group shall develop
8 a policy and procedures consistent with the provisions of
9 this Law for addressing allegations of domestic and sexual
10 violence in cases in which the victim is a student. The
11 working group shall develop a separate policy and
12 procedures consistent with the provisions of this Law for
13 addressing allegations of domestic and sexual violence in
14 cases in which the victim is a student and the alleged
15 perpetrator is an employee or agent of the school or school
16 district or another student.

17 (2) Training. The working group shall establish a
18 procedure and protocol to train designated school
19 personnel as set forth in Section 13C-30 of this Code.

20 (3) Confidentiality. The working group shall establish
21 a policy and protocol to preserve the confidentiality and
22 privacy of students who disclose their status as an
23 expectant parent, parent, or victim of domestic or sexual
24 violence or who seek assistance, services, or
25 accommodations under this Law, consistent with Section
26 13C-25 of this Code.

27 (d) The State Board of Education shall publish the model
28 policies, procedures, and protocols on its Internet website and
29 shall distribute the model policies, procedures, and protocols
30 to all schools and school districts no later than January 1,
31 2006. Individual school districts shall either adopt and make
32 effective the model policies, procedures, and protocols or
33 develop, adopt, and make effective their own policies,
34 procedures, and protocols no later than July 1, 2006.

1 Sec. 13C-25. Confidentiality. All information concerning a
2 youth's status as an expectant parent, parent, or victim of
3 domestic or sexual violence provided to the school or school
4 district or its employees and agents pursuant to this Law,
5 including a statement of the youth or any other documentation,
6 record, or corroborating evidence, and the fact that the youth
7 has requested or obtained assistance, accommodations, or
8 services pursuant to this Law shall be retained in the
9 strictest confidence by the school or school district and its
10 employees and agents, except to the extent that disclosure is
11 (i) requested or consented to in writing by the youth, (ii)
12 required under Section 13C-35 of this Code, or (iii) otherwise
13 required by applicable federal or State law.

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

15 Sec. 13C-30. Specially trained school personnel.

16 (a) Each school district shall designate or appoint at
17 least one staff person for every 10,000 high school students
18 who is either a school social worker, psychologist, counselor,
19 or nurse and who is also trained to address in a confidential
20 and sensitive manner the needs of youth who are expectant
21 parents, parents, and victims of domestic or sexual violence.
22 Designated staff shall be responsible for, but not limited to,
23 all of the following activities:

24 (1) Communicating with and listening to such youth.

25 (2) Making referrals for such youth.

26 (3) Providing updated and accurate information to such
27 youth.

28 (4) Connecting such youth to appropriate agencies,
29 such as the police, hospitals, health and legal clinics,
30 direct service agencies, and other social service
31 agencies, as needed.

32 (5) Implementing the school district's policy,
33 procedures, or protocols in cases involving student
34 allegations of domestic or sexual violence.

35 (6) Assisting such youth in their efforts to exercise

1 and preserve their rights set forth in this Law.

2 (7) Providing staff development to establish a
3 positive and sensitive learning environment.

4 (b) At minimum, designated or appointed staff shall be
5 trained to understand, provide information and referrals, and
6 address all of the following:

7 (1) Issues pertaining to youth who are expectant
8 parents or parents, including education and employment
9 rights, responsibilities, and opportunities; public
10 benefits and housing; health care (including adolescent
11 consent and confidentiality rights); child care; child
12 health and development; and family planning.

13 (2) Issues pertaining to youth who are victims of
14 domestic violence, including theories and dynamics of
15 domestic violence (including a definition of domestic and
16 dating violence); power, control, and cycles of violence;
17 barriers to leaving abusive relationships; aspects of
18 healthy and unhealthy relationships; effects of domestic
19 violence on survivors; perpetrator characteristics and
20 accountability; medical and legal advocacy (including
21 orders of protection, the Illinois Domestic Violence Act of
22 1986, and the federal Violence Against Women Act of 1988);
23 and crisis intervention, safety planning, and referrals.

24 (3) Issues pertaining to youth who are victims of
25 sexual violence, including theories and history of sexual
26 violence and oppression; types of sexual violence
27 (including stranger rape, acquaintance and campus rape,
28 child sexual abuse and incest, multiple assailants and gang
29 rape, and same sex rape); medical and legal advocacy with
30 sexual violence victims; and crisis intervention, safety
31 planning, and referrals.

32 (105 ILCS 5/13C-35 new)

33 Sec. 13C-35. Parental involvement.

34 (a) Parental involvement in enforcing the rights of youth
35 who are expectant parents, parents, or victims of domestic or

1 sexual violence is desirable and frequently essential to
2 protecting the interests of such youth.

3 (b) Schools and school districts shall develop and
4 implement policies and procedures consistent with this Law to
5 enable parents and guardians of youth who are expectant
6 parents, parents, or victims of domestic or sexual violence to
7 be informed of actions taken under this Law and to enforce the
8 rights of youth protected by this Law, subject to the
9 limitations set forth in subsection (e) of this Section.

10 (c) Schools and school districts shall also develop and
11 implement policies and procedures consistent with this Law to
12 enable youth who are expectant parents, parents, or victims of
13 domestic or sexual violence to be informed of actions taken
14 under this Law and to enforce their own rights where possible.

15 (d) When a school or school district employee or agent
16 becomes aware of or suspects a youth's status as an expectant
17 parent, parent, or victim of domestic or sexual violence, the
18 youth shall be referred to a school counselor, social worker,
19 or psychologist. The school counselor, social worker, or
20 psychologist shall discuss the all of the following issues with
21 the youth with an aim to assisting the youth in notifying a
22 parent or guardian about the youth's status as an expectant
23 parent, parent, or victim of domestic or sexual violence:

24 (1) Any of the youth's safety-related concerns in
25 connection with notifying a parent or guardian about his or
26 her status as an expectant parent, parent, or victim of
27 domestic or sexual violence.

28 (2) The youth's plan for notifying a parent or guardian
29 about his or her status as an expectant parent, parent, or
30 victim of domestic or sexual violence, which may include a
31 session for the youth and his or her parent or guardian
32 mediated by the school counselor, social worker, or
33 psychologist.

34 (3) The youth's plan for reporting back to the school
35 counselor, social worker, or psychologist about the
36 parent's or guardian's response to the youth's disclosure

1 as well as any new safety concerns.

2 (e) When the youth has stated that his or her health or
3 safety would be threatened if he or she were to reveal his or
4 her status as an expectant parent, parent, or victim of
5 domestic or sexual violence to a parent or guardian, a school
6 counselor, social worker, or psychologist may not assist that
7 youth in notifying a parent or guardian about the youth's
8 status as an expectant parent, parent, or victim of domestic or
9 sexual violence, nor shall any school or school district
10 employee or official inform a youth's parent or guardian about
11 the youth's status. In such cases, the school counselor, social
12 worker, or psychologist shall refer the youth to a
13 community-based organization that provides services to
14 expectant and parenting youth or to victims of domestic or
15 sexual violence, as appropriate.

16 (f) This Section does not preclude a school or school
17 district official or employee from disclosing information
18 about a youth who is an expectant parent, parent, or victim of
19 domestic or sexual violence to specified agencies or persons
20 under any of the following circumstances:

21 (1) When disclosure is required when a caretaker or
22 household member has abused the youth and reporting to the
23 Department of Children and Family Services is required
24 under the Abused and Neglected Child Reporting Act.

25 (2) When a parent or a parent's designated
26 representative who is not barred by an order of protection,
27 civil no contact order, or otherwise barred from accessing
28 the youth's school records seeks access to such records
29 under the Illinois School Student Records Act, and the
30 school records contain information about the youth's
31 status as an expectant parent, parent, or victim of
32 domestic or sexual violence.

33 (3) When disclosure is allowed only by a school
34 counselor, social worker, or psychologist when a
35 communication with the youth reveals the intended
36 commission of a crime or harmful act and such disclosure is

1 judged necessary to protect any person from a clear,
2 imminent risk of serious mental or physical harm or injury
3 or to forestall a serious threat to the public safety.

4 (105 ILCS 5/13C-40 new)

5 Sec. 13C-40. Immediate enrollment and re-enrollment.

6 (a) School districts must immediately enroll or re-enroll
7 in school a youth below the age of 21 years who is an expectant
8 parent, parent, or victim of domestic or sexual violence even
9 if the youth is unable to produce records normally required for
10 enrollment, such as previous academic records, medical
11 records, proof of immunization, proof of residency, or other
12 documentation, but only if the youth can attend classes during
13 the normal school year and graduate before his or her
14 twenty-first birthday as required by Section 26-2 of this Code.
15 The enrolling school shall immediately contact the school last
16 attended by the youth to obtain relevant academic and other
17 records.

18 (b) If the youth needs to obtain immunizations, health
19 examinations, or immunization or medical records, the
20 enrolling school shall assist the youth in obtaining necessary
21 immunizations, health examinations, or immunization or medical
22 records.

23 (c) Youth who are expectant parents, parents, or victims of
24 domestic or sexual violence who were previously enrolled in a
25 special education program and who seek to re-enroll in school
26 must be immediately re-enrolled into the type of school listed
27 on their most recent individualized education program (IEP),
28 even if the IEP is no longer valid.

29 (d) No youth may be denied enrollment or reenrollment for
30 absences or tardiness accrued due to circumstances related to
31 the youth's pregnancy and related conditions or the fulfillment
32 of the youth's parenting obligations. Such absences include,
33 but are not limited to, missed school (i) for pregnancy-related
34 conditions and medical appointments, (ii) to care for a sick
35 child, (iii) to attend medical appointments and well-baby

1 visits for the youth's child, (iv) due to child care related
2 problems, and (v) due to homelessness caused by the youth's
3 status as an expectant parent or parent.

4 (e) No youth may be denied enrollment or reenrollment under
5 this Section for absences or tardiness accrued due to
6 circumstances related to the youth's status as a victim of
7 domestic or sexual violence. Such absences include, but are not
8 limited to, missed school (i) to attend court dates and medical
9 appointments, (ii) to obtain legal consultation, (iii) to
10 receive counseling services, (iv) to recover from physical or
11 mental health complications arising from domestic or sexual
12 violence, and (v) due to homelessness caused by the youth's
13 status as a victim of domestic or sexual violence.

14 (105 ILCS 5/13C-45 new)

15 Sec. 13C-45. Special attention to youth not in school.

16 (a) Special attention must be given to ensuring the
17 enrollment and attendance of youth who are expectant parents,
18 parents, or the victims of domestic or sexual violence and who
19 are not currently attending school. If a school or school
20 district is aware or suspects that a former student is an
21 expectant parent, parent, or victim of domestic or sexual
22 violence and the former student is not currently attending
23 school, school district personnel shall attempt to contact the
24 former student, advise the former student of his or her right
25 to re-enrollment, and work to remove barriers to enrollment,
26 attendance, and success.

27 (b) Coordination and outreach efforts must be conducted to
28 ensure the enrollment and attendance of such youth in school.
29 Schools and school districts shall coordinate with and conduct
30 outreach to organizations and agencies where youth who are
31 expectant parents, parents, or victims of domestic or sexual
32 violence typically receive services in the community,
33 including, but not limited to, public and private State, local,
34 and community-based organizations and agencies serving youth
35 who are expectant parents, parents, or victims of domestic or

1 sexual violence, legal services providers, housing and shelter
2 providers, health care providers, and hospitals. Schools and
3 school districts shall utilize existing truancy resources or
4 other resources to facilitate enrollment and attendance of
5 youth and to provide services to youth who are expectant
6 parents, parents, or victims of domestic or sexual violence who
7 are not currently attending school.

8 (105 ILCS 5/13C-50 new)

9 Sec. 13C-50. School transfer.

10 (a) While school stability and continuous instruction are
11 important to educational success, a school transfer may be
12 necessary (i) to accommodate safety concerns arising out of
13 domestic or sexual violence, (ii) to accommodate parenting
14 youths' child care needs; and (iii) in accordance with the
15 federal McKinney-Vento Homeless Education Assistance
16 Improvements Act of 2001 or the Education for Homeless Children
17 Act, as needed when a youth becomes homeless because of status
18 as an expectant parent or parent or as a result of domestic or
19 sexual violence. For some youth, transferring schools may
20 impede recovery from domestic or sexual violence or inhibit
21 school success. Eligible youth may choose to transfer schools
22 but shall not be required to do so.

23 (b) Transfers shall be considered an option when the costs
24 and hardships imposed by such transfers on the schools and
25 school districts involved in the transfer are outweighed by the
26 risk of harm or burden faced by the youth if he or she remains
27 in his or her previous school. No school district is required
28 to accommodate a transfer request to a school that is more than
29 60 miles from the previous school, unless the closest school to
30 which a youth may transfer is farther than 60 miles.

31 (c) When possible, transferring youth shall be afforded
32 accommodations to ensure school completion and enjoyment of the
33 youth's prior academic standing, such as extra time to complete
34 missed course work, assignments, and tests.

35 (d) School transfers shall be permitted for any of the

1 following reasons:

2 (1) Safety as set forth in Sections 10-21.3a and
3 34-18.24 of this Code.

4 (2) Child care. A parenting student in need of child
5 care must be permitted to transfer to another school in the
6 same district as the previous school if such transfer
7 facilitates a parenting student's drop-off and pick-up of
8 that student's child from child care, nursery school,
9 pre-school, or a parenting program or otherwise
10 facilitates a parenting student's ability to continue to
11 attend school while fulfilling parenting responsibilities.
12 Transfer for child care-related reasons shall be permitted
13 if:

14 (A) the student's travel time from home to child
15 care and then directly to the student's school exceeds
16 60 minutes;

17 (B) the student states that there is no safe,
18 appropriate, available, or affordable child care
19 alternative that would reduce travel time; and

20 (C) the student provides a letter from his or her
21 child's child care provider stating that the child is
22 receiving or has been accepted to receive child care
23 services.

24 (3) Homelessness. A student who becomes homeless as a
25 result of domestic or sexual violence or because of a
26 student's status as a parent or expectant parent shall be
27 entitled to choice of schools, immediate enrollment,
28 transportation, and other rights as set forth in the
29 Education for Homeless Children Act and federal
30 McKinney-Vento Homeless Education Assistance Improvements
31 Act of 2001.

32 (105 ILCS 5/13C-55 new)

33 Sec. 13C-55. Right to attend school. Youth who are
34 expectant parents, parents, or victims of domestic or sexual
35 violence have the right to attend school and receive the same

1 or equivalent educational instruction as other youth in
2 accordance with the goal of the Constitution of the State of
3 Illinois to promote "the educational development of all persons
4 to the limits of their capacities". No such youth shall be
5 deprived of or denied the opportunity to participate in or
6 complete an elementary and secondary public school education.

7 (105 ILCS 5/13C-60 new)

8 Sec. 13C-60. Absences and attendance. While school
9 attendance is important for the successful and meaningful
10 completion of school, in some circumstances youth who are
11 expectant parents, parents, or victims of domestic or sexual
12 violence may be required to miss school. Youth who are
13 expectant parents, parents, or victims of domestic or sexual
14 violence shall be exempt from minimum attendance requirements
15 for absences related to expectant parenting, parenting, or
16 domestic or sexual violence, but, with the assistance of school
17 officials and designed to ensure the youth's success, shall
18 make up work missed due to absence within a reasonable time as
19 set forth in Section 13C-100 of this Code.

20 (105 ILCS 5/13C-65 new)

21 Sec. 13C-65. Chronic or habitual truants and minors.
22 Regardless of any other provision in this Code, youth who are
23 expectant parents, parents, or victims of domestic or sexual
24 violence must not be considered a chronic or habitual truant or
25 truant minor because of one or more absences caused by the
26 youth's status as an expectant parent, parent, or victim of
27 domestic or sexual violence. Such absences include, but are not
28 limited to, absences due to the youth's illness or the illness
29 of the youth's child; attendance at the youth's
30 pregnancy-related medical appointments; fulfillment of the
31 youth's parenting responsibilities; or receipt of services for
32 domestic or sexual violence, including counseling, health
33 services, and legal advocacy. Parenting responsibilities
34 include, but are not limited to, arranging for childcare,

1 caring for the youth's sick child, and attending medical
2 appointments for the youth's child or children. Such youth are
3 eligible (i) to participate in or receive supportive services
4 and available resources designed to address absenteeism and
5 truancy as established by school districts and the State Board
6 of Education pursuant to Section 26-13 of this Code, (ii) to
7 participate in truancy programs for dropouts pursuant to
8 Section 26-14 of this Code, and (iii) to participate in
9 truants' alternative and optional education programs pursuant
10 to Section 2-3.66 of this Code.

11 (105 ILCS 5/13C-70 new)

12 Sec. 13C-70. In-school support services.

13 (a) If a youth who is a parent, expectant parent, or victim
14 of domestic or sexual violence is at risk of academic failure
15 or displays poor academic performance, the school district
16 shall provide the youth with the education and support services
17 needed to meet Illinois learning standards and to complete his
18 or her education in a safe, secure and encouraging learning
19 environment. Such services shall be designed and integrated in
20 order to assist the youth in improving his or her academic
21 performance.

22 (b) Such services shall include, but not be limited to case
23 management services; mentoring; safety accommodations;
24 individualized psychological and other mental health services;
25 individual, peer, group, and family counseling; individualized
26 and flexible instruction and scheduling; alternative learning
27 environments and strategies, including home-based learning and
28 independent study; home and hospital instruction; career,
29 family, and child development classes; and, any other social,
30 health, or supplemental service.

31 (c) School districts may meet their obligation to provide
32 in-school support services by providing such services directly
33 or by collaborating with public or private state, local, or
34 community-based organizations or agencies that provide such
35 services.

1 (d) Schools shall honor a youth's decision to obtain the
2 in-school support services, to terminate the receipt of such
3 services, or to decline participation in such services. No
4 youth is obligated to use the school-based services.

5 (e) The in-school support services must be available to
6 youth receiving education and support services in any school or
7 by home or hospital instruction.

8 (f) Individual, peer, group, and family counseling
9 services or psychotherapy shall be available consistent with
10 the provisions of the Mental Health and Developmental
11 Disabilities Code.

12 (105 ILCS 5/13C-75 new)

13 Sec. 13C-75. In-school accommodations.

14 (a) School districts shall make reasonable accommodations
15 and adjustments in school policy and practice to facilitate the
16 full participation of youth who are expectant parents, parents,
17 or victims of domestic or sexual violence in the interest of
18 providing equal access to educational programs and services and
19 of ensuring the youth's safety, attendance, and academic
20 progress. In developing accommodations or adjustments, the
21 privacy and safety of the youth shall be the paramount concern.

22 (b) Reasonable accommodations and adjustments, implemented
23 on a case by case basis, shall include, but not be limited to
24 special hall passes for frequent bathroom use; trash
25 receptacles for illness; elevator access when necessary and
26 possible; drinks and snacks in class; additional time for class
27 changes and getting lunch; exceptions to or leniency in school
28 uniform and dress code policies; change of physical desk size;
29 special consideration during gym, physical education, or other
30 classes that may require strenuous physical exertion;
31 sufficiently private settings and time off for meetings with
32 counselors or other service providers; transfer of the youth or
33 the student perpetrator to a different classroom; change of
34 seating assignment; implementation of an in-school safety
35 procedure; honoring any orders of protection or no contact

1 orders; and any other accommodation that may facilitate the
2 youth's participation.

3 (c) Schools shall honor a youth's decision to obtain the
4 in-school accommodations, to terminate the receipt of such
5 accommodations, or to decline participation in such
6 accommodations. No youth is obligated to use the
7 accommodations.

8 (105 ILCS 5/13C-80 new)

9 Sec. 13C-80. Non-school based support services.

10 (a) School districts shall assist youth who are expectant
11 parents, parents, or victims of domestic or sexual violence in
12 accessing the support services of non-school based
13 organizations and agencies where such youth typically receive
14 services in the community, including, but not limited, to
15 public and private state, local, and community-based
16 organizations and agencies serving youth who are expectant
17 parents, parents, or the victims of domestic or sexual
18 violence, legal services providers, housing and shelter
19 providers, health care providers, hospitals, and child care
20 providers, or child care referral organizations.

21 (b) Schools shall honor a youth's decision to obtain the
22 non-school based support services, to terminate the receipt of
23 such services, or to decline participation in such services. No
24 youth is obligated to use the non-school based support
25 services.

26 (105 ILCS 5/13C-85 new)

27 Sec. 13C-85. Responsibility to inform youth of available
28 services and accommodations. When a school or school district
29 employee or agent becomes aware of or suspects a youth's status
30 as an expectant parent, parent, or victim of domestic or sexual
31 violence, it is the responsibility of the employee or agent of
32 the school or school district to inform the youth of the
33 available services and accommodations at school and in the
34 community that may assist the youth in maintaining his or her

1 full educational participation and his or her successful
2 performance. The school or school district employee or agent
3 shall also refer the youth to the school district's specially
4 trained personnel as set forth in Section 13C-30 of this Code,
5 and to a school counselor, social worker, or psychologist.
6 Respecting youth privacy, confidentiality, and safety shall be
7 the paramount concern.

8 (105 ILCS 5/13C-95 new)

9 Sec. 13C-95. Student success plan. School officials shall
10 assist each youth who is an expectant parent, parent, or victim
11 of domestic or sexual violence to develop a student success
12 plan based on an assessment of the youth's educational and
13 social functioning and skills. The student success plan shall
14 establish goals and objectives for satisfactory performance
15 with the assistance of support services and shall specify how
16 the school will assist the youth in making up missed work. A
17 youth's failure to comply with components of the student
18 success plan that create non-academic responsibilities and
19 obligations must not be the basis for any subsequent
20 disciplinary action against the youth or punitive academic
21 measures against the youth.

22 (105 ILCS 5/13C-100 new)

23 Sec. 13C-100. Missed classes and work.

24 (a) It is the responsibility of the teachers and of school
25 administrative personnel and officials to provide for the
26 integration of youth who are expectant parents, parents, or
27 victims of domestic or sexual violence into the regular
28 education program as much as possible. Any youth who is unable,
29 because of circumstances related to the youth's pregnancy and
30 related conditions or the youth's status as an expectant
31 parent, parent, or victim of domestic or sexual violence, to
32 participate in classes on a particular day or days or at a
33 particular time of day must be excused from any examination or
34 any study or work assignments on such particular day or days or

1 at such particular time of day.

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

11 (c) Youth may be required to make up missed work by
12 participating in any of the following activities:

- 13 (1) Instruction before and after school.
14 (2) Evening and weekend classes.
15 (3) Summer courses or extended-year programs.
16 (4) Home or hospital instruction.
17 (5) Community college credit towards graduation.
18 (6) Internet or other correspondence courses.
19 (7) Tutoring.
20 (8) Independent study or home-based learning.
21 (9) Individual completion of lesson plans.
22 (10) Other alternative learning programs.

23 Costs assessed by a school district on youth for
24 participation in such activities shall be considered waivable
25 fees for any youth whose parents or guardians are unable to
26 afford them, consistent with the provisions of Section 10-20.13
27 of this Code. School districts shall adopt written policies and
28 procedures for waiver of such fees in accordance with rules
29 adopted by the State Board of Education.

30 (d) No adverse or prejudicial effects may result to any
31 youth because of his or her availing himself or herself of the
32 provisions of this Section.

33 (105 ILCS 5/13C-105 new)

34 Sec. 13C-105. Procedural safeguards; ombudsperson.

35 (a) The State Board of Education, all school districts, and

1 all schools shall establish and maintain rules and procedures
2 in accordance with this Section to ensure that youth who are
3 expectant parents, parents, or victims of domestic or sexual
4 violence and their parents, guardians, attorneys and advocates
5 possess procedural safeguards in order to enforce the rights
6 enumerated in this Law. The involvement of parents and
7 guardians in enforcing the rights of youth in their custody or
8 care who are expectant parents, parents, or victims of domestic
9 or sexual violence shall be subject to the limitations set
10 forth in Section 13C-35 of this Code. Procedures required shall
11 include all of the following:

12 (1) Procedures to allow:

13 (A) parents and guardians to protect the rights of
14 youth who are expectant parents, parents, or victims of
15 domestic or sexual violence in their custody under this
16 Law;

17 (B) youth age 17 years or older who are expectant
18 parents, parents, or victims of domestic or sexual
19 violence to protect their own rights under this Law;

20 (C) youth age 12 years or older and under the age
21 of 17 years who are expectant parents, parents, or
22 victims of domestic or sexual violence to protect their
23 own rights where (i) the youth has demonstrated that
24 his or her health or safety would be threatened if the
25 youth were to reveal his or her status as an expectant
26 parent, parent, or a victim of domestic or sexual
27 violence to any parent or guardian or (ii) where the
28 parent or guardian of the youth is aware of the youth's
29 status as an expectant parent, parent, or a victim of
30 domestic or sexual violence, but will not cooperate
31 with the youth to protect the youth's rights under this
32 Law;

33 (D) unaccompanied youth who are expectant parents,
34 parents, or victims of domestic or sexual violence to
35 protect their own rights under this Law; and

36 (E) attorneys or advocates working with youth who

1 are expectant parents, parents, or victims of domestic
2 or sexual violence to protect the rights of such youth
3 under this Law.

4 (2) An opportunity for parents, guardians, youth,
5 attorneys, and advocates to review all records relating to
6 youth who are expectant parents, parents, or victims of
7 domestic or sexual violence and to participate in meetings,
8 appeals, and court proceedings to protect the youth's
9 rights under this Law, subject to the limitations set forth
10 in Section 13C-35 of this Code.

11 (3) Procedures to ensure that all notices and written
12 communications are available in the native language of the
13 youth or his or her parent or guardian if he or she is not
14 proficient in English.

15 (4) Procedures to ensure that a qualified and impartial
16 interpreter is available for all proceedings.

17 (5) Procedures creating an opportunity to present
18 complaints to an ombudsperson with respect to any matter
19 relating to the enforcement of the rights of youth who are
20 expectant parents, parents, or victims of domestic or
21 sexual violence enumerated in this Law.

22 (b) Each regional superintendent of schools shall act as an
23 ombudsperson to resolve disputes relating to the rights of
24 youth who are expectant parents, parents, or victims of
25 domestic or sexual violence under this Law.

26 (105 ILCS 5/13C-110 new)

27 Sec. 13C-110. Dispute resolution procedures.

28 (a) If a dispute arises under this Law, all of the
29 following procedures must be followed:

30 (1) Youth who are expectant parents, parents, or
31 victims of domestic or sexual violence and their parents or
32 guardians shall be provided with prior written notice at
33 any time that the school or school district plans to take
34 adverse action, such as disenrollment, suspension,
35 expulsion, or termination of services, against such youth.

1 The content of the prior written notice shall include all
2 of the following:

3 (A) A description of the action proposed by the
4 school or school district and the reasons for such
5 action.

6 (B) A statement of rights under this Law and the
7 procedural safeguards available to enforce these
8 rights.

9 (C) Referrals for sources of low cost or free legal
10 assistance and other advocacy services in the
11 community.

12 (2) Within 10 days after school or school district
13 notification of a dispute, parties to the dispute shall be
14 referred by the school or school district to an
15 ombudsperson for resolution of the dispute.

16 (3) Within 5 days after notification of a dispute, the
17 ombudsperson shall convene a meeting to resolve the dispute
18 where all parties to the dispute shall be present. The
19 ombudsperson shall issue a written decision within 10 days
20 of the meeting.

21 (4) All parties to the dispute shall be able to appeal
22 any decision by the ombudsperson to the State Board of
23 Education within 30 days after the decision by the
24 ombudsperson. The State Board of Education shall conduct an
25 impartial review of the decision within 10 days of a
26 request for such review. The officer conducting such review
27 shall make an independent, written decision upon
28 completion of the review, but no later than 30 days from
29 the date of the filing of the request for review.

30 (b) Any party to a dispute under this Law may file a civil
31 action in a court of competent jurisdiction to seek all
32 appropriate relief within 35 days from the date that a copy of
33 the State Board of Education's written decision was received by
34 that party. In any civil action, a party whose rights under
35 this Law are found to have been violated shall be entitled to
36 recover reasonable attorney's fees and costs.

1 (105 ILCS 5/13C-115 new)

2 Sec. 13C-115. Educational placement during pendency of
3 proceedings. During the pendency of proceedings under this
4 Law, youth who are expectant parents, parents, or victims of
5 domestic or sexual violence (i) shall be immediately admitted
6 to the school in which enrollment is sought where such youth
7 are seeking enrollment, reenrollment, or transfer based on
8 safety concerns, homelessness, or child care needs and (ii)
9 shall remain in the current educational placement where the
10 school is seeking to disenroll the youth.

11 (105 ILCS 5/13C-120 new)

12 Sec. 13C-120. Notice of rights.

13 (a) Each school district shall implement specific and
14 continuing steps to notify all current students, applicants for
15 admission, and the parents of every student and applicant that
16 youth who are expectant parents, parents, or the victims of
17 domestic or sexual violence have the right to enroll and attend
18 school, to receive the same or equivalent educational
19 instruction as other students, and to complete their education
20 successfully and in a safe, secure, and encouraging learning
21 environment.

22 (b) Each school district shall include a statement of all
23 rights and the availability of services and educational options
24 for youth who are expectant parents, parents, or victims of
25 domestic or sexual violence, in bulletins prominently
26 displayed in schools and other places where such youth
27 typically receive services in the community, including, but not
28 limited to, public and private state, local, and
29 community-based organizations and agencies serving youth who
30 are expectant parents, parents, or victims of domestic or
31 sexual violence, legal services providers, housing and shelter
32 providers, health care providers, and hospitals. The statement
33 of rights shall also include the list of procedural safeguards
34 provided in this Law.

1 (c) Written notice of such educational rights shall be
2 provided in the form of policy manuals, employee and student
3 handbooks, or other written documentation. Written notice of
4 such educational rights shall be physically distributed to
5 youth (i) at the beginning of each school year; (ii) at the
6 time of transfer or withdrawal from school; (iii) at the time
7 the school learns of the youth's status as an expectant parent,
8 parent, or victim of domestic or sexual violence; and (iv) at
9 the time of any adverse action, including, but not limited to,
10 disenrollment, suspension, and expulsion. Written notice of
11 such educational rights shall be physically distributed to
12 parents and employees at the beginning of each school year.

13 (105 ILCS 5/13C-125 new)

14 Sec. 13C-125. Review and revision of policies. School
15 districts shall review and revise any existing policies that
16 may act as barriers to the enrollment, attendance, and success
17 in school of any youth who is an expectant parent, parent, or
18 victim of domestic or sexual violence. School districts shall
19 adopt new policies to implement the provisions of this Law
20 consistent with Section 13C-20 of this Law.

21 (105 ILCS 5/13C-130 new)

22 Sec. 13C-130. Dropout and graduation rates. Each school
23 district shall separately identify and report on the dropout
24 and graduation rates of expectant and parenting students as a
25 subset of the district's dropout and graduation rates that are
26 made public pursuant to Section 10-17a of this Code. School
27 districts shall include within their dropout and graduation
28 rates expectant and parenting students who attend schools
29 operated pursuant to an agreement with the school district,
30 charter schools operating in compliance with the Charter
31 Schools Law, schools operated under Section 13A-3 of this Code,
32 alternative schools operated by third parties within the City
33 of Chicago under Section 13A-11 of this Code, and alternative
34 learning opportunities programs operated under Article 13B of

1 this Code. School districts shall derive dropout and graduation
2 rates from the formula developed by the State Board of
3 Education pursuant to Section 2-3.25a of this Code and shall
4 report these rates as specified in Section 10-17a of this Code.

5 (105 ILCS 5/13C-135 new)

6 Sec. 13C-135. Other obligations unaffected. Nothing in
7 this Law limits the obligations of school districts under
8 federal law and State law.

9 (105 ILCS 5/13C-140 new)

10 Sec. 13C-140. Compliance. All schools and school districts
11 shall take all actions necessary to comply with this Law as of
12 July 1, 2006, including developing policies and procedures,
13 posting written notice of rights, training personnel, and
14 making available to the public copies of all policies,
15 procedures, training curricula for specially trained
16 personnel, and sample notices required under this Law. Copies
17 of all related materials shall be submitted to the State Board
18 of Education. Copies of any subsequent amendments to these
19 policies, procedures, training curricula, and sample notices
20 must also be available to the public and submitted to the State
21 Board of Education.

22 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

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

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

31 (b) A school district shall deny reenrollment in its
32 secondary schools to any child 19 years of age or above who has
33 dropped out of school and who could not, because of age and

1 lack of credits, attend classes during the normal school year
2 and graduate before his or her twenty-first birthday, except as
3 otherwise provided under Article 13C of this Code. A district
4 may, however, enroll the child in a graduation incentives
5 program under Section 26-16 of this Code or an alternative
6 learning opportunities program established under Article 13B.
7 No child shall be denied reenrollment for the above reasons
8 unless the school district first offers the child due process
9 as required in cases of expulsion under Section 10-22.6. If a
10 child is denied reenrollment after being provided with due
11 process, the school district must provide counseling to that
12 child and must direct that child to alternative educational
13 programs, including adult education programs, that lead to
14 graduation or receipt of a GED diploma.

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

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

22 (2) The student and the student's parent or guardian
23 are given written notice warning that the student is
24 failing academically and is subject to denial from
25 enrollment for one semester unless a "D" average (or its
26 equivalent) or better is attained in the current semester.

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

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

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

34 A school or school district may deny enrollment to a
35 student 17 years of age or older for one semester for failure
36 to meet minimum attendance standards if all of the following

1 conditions are met:

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

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

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

13 (4) The student is provided with attendance
14 remediation services, including without limitation
15 assessment, counseling, and support services.

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

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

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

26 (e) In this subsection (e), "reenrolled student" means a
27 dropout who has reenrolled full-time in a public school. Each
28 school district shall identify, track, and report on the
29 educational progress and outcomes of reenrolled students as a
30 subset of the district's required reporting on all enrollments.
31 A reenrolled student who again drops out must not be counted
32 again against a district's dropout rate performance measure.
33 The State Board of Education shall set performance standards
34 for programs serving reenrolled students.

35 (f) The State Board of Education shall adopt any rules
36 necessary to implement the changes to this Section made by

1 Public Act 93-803.

2 (Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04; 93-858,
3 eff. 1-1-05; 93-1079, eff. 1-21-05.)

4 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

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

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

25 "Truant minor" is defined as a chronic truant to whom
26 supportive services, including prevention, diagnostic,
27 intervention and remedial services, alternative programs and
28 other school and community resources have been provided and
29 have failed to result in the cessation of chronic truancy, or
30 have been offered and refused.

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

1 "Religion" for the purposes of this Article, includes all
2 aspects of religious observance and practice, as well as
3 belief.

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

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

6 Sec. 26-3d. All regional superintendents and all district
7 superintendents in any municipality of 500,000 or more
8 inhabitants shall collect data concerning truants, chronic
9 truants, and truant minor pupils from school districts and
10 truant officers as designated by the State Board of Education.
11 The regional and district superintendents shall separately
12 identify and report on the number of truant, chronic truant,
13 and truant minor pupils in their regions or school districts
14 who are expectant parents or parents.

15 (Source: P.A. 84-1420.)

16 (105 ILCS 5/27A-5)

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

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

23 (b) A charter school may be established under this Article
24 by creating a new school or by converting an existing public
25 school or attendance center to charter school status.

26 Beginning on the effective date of this amendatory Act of the
27 93rd General Assembly, in all new applications submitted to the
28 State Board or a local school board to establish a charter
29 school in a city having a population exceeding 500,000,
30 operation of the charter school shall be limited to one campus.
31 The changes made to this Section by this amendatory Act of the
32 93rd General Assembly do not apply to charter schools existing
33 or approved on or before the effective date of this amendatory
34 Act.

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

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

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

13 (f) A charter school shall be responsible for the
14 management and operation of its fiscal affairs including, but
15 not limited to, the preparation of its budget. An audit of each
16 charter school's finances shall be conducted annually by an
17 outside, independent contractor retained by the charter
18 school.

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

24 (1) Sections 10-21.9 and 34-18.5 of the School Code
25 regarding criminal history records checks of applicants
26 for employment;

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

29 (3) The Local Governmental and Governmental Employees
30 Tort Immunity Act;

31 (4) Section 108.75 of the General Not For Profit
32 Corporation Act of 1986 regarding indemnification of
33 officers, directors, employees, and agents;

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

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

36 (7) Section 10-17a of the School Code regarding school

1 report cards; ~~and~~

2 (8) Article 13C of this Code.

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

29 (i) In no event shall a charter school that is established
30 by converting an existing school or attendance center to
31 charter school status be required to pay rent for space that is
32 deemed available, as negotiated and provided in the charter
33 agreement, in school district facilities. However, all other
34 costs for the operation and maintenance of school district
35 facilities that are used by the charter school shall be subject
36 to negotiation between the charter school and the local school

1 board and shall be set forth in the charter.

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

4 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04.)

5 (105 ILCS 5/34-18.24)

6 Sec. 34-18.24. Transfer of students.

7 (a) The board shall establish and implement a policy
8 governing the transfer of a student from one attendance center
9 to another within the school district upon the request of the
10 student's parent or guardian. Any request by a parent or
11 guardian to transfer his or her child from one attendance
12 center to another within the school district pursuant to
13 Section 1116 of the federal Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30
15 days after the parent or guardian receives notice of the right
16 to transfer pursuant to that law. A student may not transfer to
17 any of the following attendance centers, except by change in
18 residence if the policy authorizes enrollment based on
19 residence in an attendance area or unless approved by the board
20 on an individual basis:

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

23 (2) An attendance center for which the board has
24 established academic criteria for enrollment if the
25 student does not meet the criteria, provided that the
26 transfer must be permitted if the attendance center is the
27 only attendance center serving the student's grade that has
28 not been identified for school improvement, corrective
29 action, or restructuring under Section 1116 of the federal
30 Elementary and Secondary Education Act of 1965 (20 U.S.C.
31 Sec. 6317).

32 (3) Any attendance center if the transfer would prevent
33 the school district from meeting its obligations under a
34 State or federal law, court order, or consent decree
35 applicable to the school district.

1 (b) The board shall establish and implement a policy
2 governing the transfer of students within the school district
3 from a persistently dangerous attendance center to another
4 attendance center in that district that is not deemed to be
5 persistently dangerous. In order to be considered a
6 persistently dangerous attendance center, the attendance
7 center must meet all of the following criteria for 2
8 consecutive years:

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

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

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

18 (c) A student may transfer from one attendance center to
19 another attendance center within the district if the student is
20 a victim of a violent crime as defined in Section 3 of the
21 Rights of Crime Victims and Witnesses Act. The violent crime
22 must have occurred on school grounds during regular school
23 hours or during a school-sponsored event. A student who is a
24 victim of domestic or sexual violence, regardless of whether
25 the student's perpetrator has been criminally charged or
26 convicted, and regardless of whether the incident occurred on
27 school grounds during regular school hours or during a
28 school-sponsored event, shall be permitted to transfer schools
29 immediately and as needed, including to another school
30 district, if the student's continued attendance at a particular
31 school facility or location poses a risk to his or her safety.

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

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

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 94th General Assembly.

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

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

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- 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 5/13A-11
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- heading new
- 105 ILCS 5/13C-1 new
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- 5 105 ILCS 5/26-3d from Ch. 122, par. 26-3d
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