



Rep. Anna Moeller

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1 AMENDMENT TO SENATE BILL 449

2 AMENDMENT NO. _____. Amend Senate Bill 449 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-21.3a, 10-22.6, 10-22.6a, 13A-11, 22-60, 26-2a, 27A-5, and
6 34-18.24 and by adding Article 26A as follows:

7 (105 ILCS 5/10-21.3a)

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

9 (a) Each school board shall establish and implement a
10 policy governing the transfer of a student from one attendance
11 center to another within the school district upon the request
12 of the student's parent or guardian. A student may not transfer
13 to any of the following attendance centers, except by change in
14 residence if the policy authorizes enrollment based on
15 residence in an attendance area or unless approved by the board
16 on an individual basis:

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

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

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

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

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

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

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

24 (c) A student may transfer from one public school to
25 another public school in that district if the student is a
26 victim of a violent crime as defined in Section 3 of the Rights

1 of Crime Victims and Witnesses Act. The violent crime must have
2 occurred on school grounds during regular school hours or
3 during a school-sponsored event.

4 (d) (Blank).

5 (e) Notwithstanding any other provision of this Code, a
6 student who is a victim of gender-based violence, as defined in
7 Article 26A, must be permitted to transfer schools immediately
8 and as needed, including to a school in another school
9 district, if the student's continued attendance at a particular
10 attendance center, school facility, or school location poses a
11 risk to the student's mental or physical well-being or safety.
12 A transfer under this subsection within the student's current
13 school district must be considered before a transfer into a
14 different school district. The school district the student
15 transfers to must be an adjoining school district, unless there
16 is no attendance center, school facility, or school location in
17 that district in which the student's attendance poses no risk
18 to the student's mental or physical well-being or safety. The
19 school district the student seeks to transfer to may deny a
20 transfer to a particular attendance center if (i) the
21 attendance center exceeds or, as a result of the transfer,
22 would exceed its attendance capacity, (ii) the student does not
23 meet the attendance center's academic criteria for enrollment,
24 or (iii) the transfer would prevent the school district from
25 meeting obligations under State or federal law, a court order,
26 or a consent decree. If no adjoining school district is

1 available for transfer, the student may transfer to another
2 school district, unless there is no attendance center, school
3 facility, or school location in that district in which the
4 student's attendance poses no risk to the student's mental or
5 physical well-being or safety. The school district the student
6 seeks to transfer to may deny a transfer to a particular
7 attendance center if any of the situations described in items
8 (i) through (iii) of this subsection apply. A school district
9 must waive tuition for a student who transfers under this
10 subsection to the school district and is a nonresident. A
11 student who transfers to another school under this subsection
12 due to gender-based violence must have full and immediate
13 access to extracurricular activities and any programs or
14 activities offered by or under the auspices of the school to
15 which the student has transferred. A school district may not
16 require a student who is a victim of gender-based violence to
17 transfer to another school or school district. No adverse or
18 prejudicial effects may result to any student who is a victim
19 of gender-based violence because of the student availing
20 himself or herself of or declining the provisions of this
21 subsection.

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

23 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

24 Sec. 10-22.6. Suspension or expulsion of pupils; school
25 searches.

1 (a) To expel pupils guilty of gross disobedience or
2 misconduct, including gross disobedience or misconduct
3 perpetuated by electronic means, pursuant to subsection (b-20)
4 of this Section, and no action shall lie against them for such
5 expulsion. Expulsion shall take place only after the parents
6 have been requested to appear at a meeting of the board, or
7 with a hearing officer appointed by it, to discuss their
8 child's behavior. Such request shall be made by registered or
9 certified mail and shall state the time, place and purpose of
10 the meeting. The board, or a hearing officer appointed by it,
11 at such meeting shall state the reasons for dismissal and the
12 date on which the expulsion is to become effective. If a
13 hearing officer is appointed by the board, he shall report to
14 the board a written summary of the evidence heard at the
15 meeting and the board may take such action thereon as it finds
16 appropriate. If the board acts to expel a pupil, the written
17 expulsion decision shall detail the specific reasons why
18 removing the pupil from the learning environment is in the best
19 interest of the school. The expulsion decision shall also
20 include a rationale as to the specific duration of the
21 expulsion. An expelled pupil may be immediately transferred to
22 an alternative program in the manner provided in Article 13A or
23 13B of this Code. A pupil must not be denied transfer because
24 of the expulsion, except in cases in which such transfer is
25 deemed to cause a threat to the safety of students or staff in
26 the alternative program.

1 (b) To suspend or by policy to authorize the superintendent
2 of the district or the principal, assistant principal, or dean
3 of students of any school to suspend pupils guilty of gross
4 disobedience or misconduct, or to suspend pupils guilty of
5 gross disobedience or misconduct on the school bus from riding
6 the school bus, pursuant to subsections (b-15) and (b-20) of
7 this Section, and no action shall lie against them for such
8 suspension. The board may by policy authorize the
9 superintendent of the district or the principal, assistant
10 principal, or dean of students of any school to suspend pupils
11 guilty of such acts for a period not to exceed 10 school days.
12 If a pupil is suspended due to gross disobedience or misconduct
13 on a school bus, the board may suspend the pupil in excess of
14 10 school days for safety reasons.

15 Any suspension shall be reported immediately to the parents
16 or guardian of a pupil along with a full statement of the
17 reasons for such suspension and a notice of their right to a
18 review. The school board must be given a summary of the notice,
19 including the reason for the suspension and the suspension
20 length. Upon request of the parents or guardian, the school
21 board or a hearing officer appointed by it shall review such
22 action of the superintendent or principal, assistant
23 principal, or dean of students. At such review, the parents or
24 guardian of the pupil may appear and discuss the suspension
25 with the board or its hearing officer. If a hearing officer is
26 appointed by the board, he shall report to the board a written

1 summary of the evidence heard at the meeting. After its hearing
2 or upon receipt of the written report of its hearing officer,
3 the board may take such action as it finds appropriate. If a
4 student is suspended pursuant to this subsection (b), the board
5 shall, in the written suspension decision, detail the specific
6 act of gross disobedience or misconduct resulting in the
7 decision to suspend. The suspension decision shall also include
8 a rationale as to the specific duration of the suspension. A
9 pupil who is suspended in excess of 20 school days may be
10 immediately transferred to an alternative program in the manner
11 provided in Article 13A or 13B of this Code. A pupil must not
12 be denied transfer because of the suspension, except in cases
13 in which such transfer is deemed to cause a threat to the
14 safety of students or staff in the alternative program.

15 (b-5) Among the many possible disciplinary interventions
16 and consequences available to school officials, school
17 exclusions, such as out-of-school suspensions and expulsions,
18 are the most serious. School officials shall limit the number
19 and duration of expulsions and suspensions to the greatest
20 extent practicable, and it is recommended that they use them
21 only for legitimate educational purposes. To ensure that
22 students are not excluded from school unnecessarily, it is
23 recommended that school officials consider forms of
24 non-exclusionary discipline prior to using out-of-school
25 suspensions or expulsions.

26 (b-10) Unless otherwise required by federal law or this

1 Code, school boards may not institute zero-tolerance policies
2 by which school administrators are required to suspend or expel
3 students for particular behaviors.

4 (b-15) Out-of-school suspensions of 3 days or less may be
5 used only if the student's continuing presence in school would
6 pose a threat to school safety or a disruption to other
7 students' learning opportunities. For purposes of this
8 subsection (b-15), "threat to school safety or a disruption to
9 other students' learning opportunities" shall be determined on
10 a case-by-case basis by the school board or its designee.
11 School officials shall make all reasonable efforts to resolve
12 such threats, address such disruptions, and minimize the length
13 of suspensions to the greatest extent practicable.

14 (b-20) Unless otherwise required by this Code,
15 out-of-school suspensions of longer than 3 days, expulsions,
16 and disciplinary removals to alternative schools may be used
17 only if other appropriate and available behavioral and
18 disciplinary interventions have been exhausted and the
19 student's continuing presence in school would either (i) pose a
20 threat to the safety of other students, staff, or members of
21 the school community or (ii) substantially disrupt, impede, or
22 interfere with the operation of the school. For purposes of
23 this subsection (b-20), "threat to the safety of other
24 students, staff, or members of the school community" and
25 "substantially disrupt, impede, or interfere with the
26 operation of the school" shall be determined on a case-by-case

1 basis by school officials. For purposes of this subsection
2 (b-20), the determination of whether "appropriate and
3 available behavioral and disciplinary interventions have been
4 exhausted" shall be made by school officials. School officials
5 shall make all reasonable efforts to resolve such threats,
6 address such disruptions, and minimize the length of student
7 exclusions to the greatest extent practicable. Within the
8 suspension decision described in subsection (b) of this Section
9 or the expulsion decision described in subsection (a) of this
10 Section, it shall be documented whether other interventions
11 were attempted or whether it was determined that there were no
12 other appropriate and available interventions.

13 (b-25) Students who are suspended out-of-school for longer
14 than 4 school days shall be provided appropriate and available
15 support services during the period of their suspension. For
16 purposes of this subsection (b-25), "appropriate and available
17 support services" shall be determined by school authorities.
18 Within the suspension decision described in subsection (b) of
19 this Section, it shall be documented whether such services are
20 to be provided or whether it was determined that there are no
21 such appropriate and available services.

22 A school district may refer students who are expelled to
23 appropriate and available support services.

24 A school district shall create a policy to facilitate the
25 re-engagement of students who are suspended out-of-school,
26 expelled, or returning from an alternative school setting.

1 (b-30) A school district shall create a policy by which
2 suspended pupils, including those pupils suspended from the
3 school bus who do not have alternate transportation to school,
4 shall have the opportunity to make up work for equivalent
5 academic credit. It shall be the responsibility of a pupil's
6 parent or guardian to notify school officials that a pupil
7 suspended from the school bus does not have alternate
8 transportation to school.

9 (b-35) In all suspension or expulsion proceedings, a
10 student may disclose his or her status as a parent, expectant
11 parent, or victim of gender-based violence, as defined in
12 Article 26A, which must be considered as a mitigating factor in
13 determining whether to suspend or expel the student or in
14 deciding the nature or severity of the disciplinary action at
15 any time throughout the proceedings. An advocate or
16 representative of the student's choice must be permitted to
17 represent the student throughout the proceedings and to consult
18 with the school board if there is evidence that the student's
19 status as a parent, expectant parent, or victim of gender-based
20 violence may be a factor in the cause for expulsion or
21 suspension. A student who discloses his or her status as a
22 victim of gender-based violence may not be required to work out
23 the problem directly with the perpetrator or the perpetrator's
24 advocate or representative, be personally questioned or
25 cross-examined by the perpetrator or the perpetrator's
26 advocate or representative, have any direct contact with the

1 perpetrator or the perpetrator's advocate or representative,
2 or be in the same room as the perpetrator or the perpetrator's
3 advocate or representative during the proceedings. A
4 suspension or expulsion proceeding under this subsection must
5 be conducted independently from any ongoing criminal
6 investigation or proceeding, and a lack of pursuit of criminal
7 investigations or proceedings may not be a factor in school
8 disciplinary decisions.

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

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

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

1 activity or event, or any activity or event that bears a
2 reasonable relationship to school shall be expelled for a
3 period of not less than one year:

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

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

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

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

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

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

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

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

1 allowing for consideration of a student's status as a parent,
2 expectant parent, or victim of gender-based violence, as
3 defined in Article 26A, as a mitigating factor in reviews
4 during the disciplinary period and exempting, on a case-by-case
5 basis, from suspension or expulsion those students whose status
6 as a parent, expectant parent, or victim of gender-based
7 violence is a factor in the behavior that gave rise to the
8 suspension or expulsion.

9 (h) School officials shall not advise or encourage students
10 to drop out voluntarily due to behavioral or academic
11 difficulties.

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

16 (j) Subsections (a) through (i) and subsection (m) of this
17 Section shall apply to elementary and secondary schools,
18 charter schools, special charter districts, and school
19 districts organized under Article 34 of this Code.

20 (k) The expulsion of children enrolled in programs funded
21 under Section 1C-2 of this Code is subject to the requirements
22 under paragraph (7) of subsection (a) of Section 2-3.71 of this
23 Code.

24 (l) Beginning with the 2018-2019 school year, an in-school
25 suspension program provided by a school district for any
26 students in kindergarten through grade 12 may focus on

1 promoting non-violent conflict resolution and positive
2 interaction with other students and school personnel. A school
3 district may employ a school social worker or a licensed mental
4 health professional to oversee an in-school suspension program
5 in kindergarten through grade 12.

6 (m) If a student is faced with either (i) suspension from
7 school due to gross disobedience or misconduct or suspension
8 from riding a school bus due to gross disobedience or
9 misconduct on the school bus as provided in this Section or
10 (ii) expulsion due to gross disobedience or misconduct as
11 provided in this Section and if there is a relationship between
12 the behavior that gave rise to the suspension or expulsion
13 proceedings and the student's status as a parent, expectant
14 parent, or victim of gender-based violence, as defined in
15 Article 26A, then the suspension or expulsion requirement may
16 be modified by the district superintendent or school board on a
17 case-by-case basis.

18 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
19 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff.
20 8-22-18; revised 10-1-18.)

21 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

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

23 (a) To provide by home instruction, correspondence
24 courses, or otherwise courses of instruction for a pupil who is
25 ~~pupils who are~~ unable to attend school because of pregnancy or

1 pregnancy-related conditions, the fulfillment of parenting
2 obligations related to the health of the pupil's child, or
3 health and safety concerns arising from gender-based violence,
4 as defined in Article 26A. Such instruction shall be provided
5 to the pupil (1) before the birth of the child when the pupil's
6 physician, physician assistant, or advanced practice nurse has
7 indicated to the district, in writing, that the pupil is
8 medically unable to attend regular classroom instruction; ~~and~~
9 (2) for up to 3 months following the birth of the child or a
10 miscarriage; (3) when the pupil must care for his or her ill
11 child if (i) the child's physician, physician assistant, or
12 advanced practice registered nurse has indicated to the
13 district, in writing, that the child has a serious health
14 condition that would require the pupil to be absent from school
15 for 2 or more weeks, (ii) the pupil or the pupil's parent or
16 guardian indicates to the district, in writing, that the pupil
17 is needed to provide care to the child, and (iii) alternative
18 care for the child that is adequate and affordable is
19 unavailable; or (4) when the pupil must treat physical or
20 mental health complications or address safety concerns arising
21 from gender-based violence if the pupil's domestic or sexual
22 violence organization, as defined in Article 26A, or health
23 care provider has indicated to the district, in writing, that
24 the care is needed by the pupil and will cause the pupil's
25 absence from school for one or more weeks. The instruction
26 course shall be designed to offer educational experiences that

1 are equivalent to those given to pupils at the same grade level
2 in the district and that are designed to enable the pupil to
3 return to the classroom. In this subsection (a), "serious
4 health condition" means an illness, injury, impairment, or
5 physical or mental health condition that involves inpatient
6 care in a hospital, hospice, or residential medical care
7 facility or continuing treatment by a health care provider.

8 (b) Notwithstanding any other provision of law to the
9 contrary, if a pupil is unable to attend regular classes
10 because of the reasons set forth in this Section and has
11 participated in instruction under this Section that is
12 administered by the school or school district, then the pupil
13 may not be penalized for grading purposes or be denied course
14 completion, a return to regular classroom instruction, grade
15 level advancement, or graduation solely on the basis of the
16 pupil's participation in instruction under this Section or the
17 pupil's absence from the regular education program during the
18 period of instruction under this Section. A school or school
19 district may not use instruction under this Section to replace
20 making reasonable accommodations so that pupils who are
21 parents, expectant parents, or victims of gender-based
22 violence may receive regular classroom instruction.

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

24 (105 ILCS 5/13A-11)

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

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

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

9 (1) student civil rights;

10 (2) staff civil rights;

11 (3) health and safety;

12 (4) performance and financial audits;

13 (5) the assessments required under Section 2-3.64a-5
14 of this Code;

15 (6) Chicago learning outcomes;

16 (7) Sections 2-3.25a through 2-3.25j of this Code;

17 (8) the Inspector General; ~~and~~

18 (9) Section 34-2.4b of this Code; and ~~—~~

19 (10) Article 26A and any other provision of this Code
20 concerning youth who are parents, expectant parents, or
21 victims of gender-based violence, as defined in Article
22 26A.

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

24 (105 ILCS 5/22-60)

25 Sec. 22-60. Unfunded mandates prohibited.

1 (a) No public school district or private school is
2 obligated to comply with the following types of mandates unless
3 a separate appropriation has been enacted into law providing
4 full funding for the mandate for the school year during which
5 the mandate is required:

6 (1) Any mandate in this Code enacted after the
7 effective date of this amendatory Act of the 96th General
8 Assembly.

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

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

21 Before discontinuing or modifying the mandate, the school
22 district shall petition its regional superintendent of schools
23 on or before February 15 of each year to request to be exempt
24 from implementing the mandate in a school or schools in the
25 next school year. The petition shall include all legitimate
26 costs associated with implementing and operating the mandate,

1 the estimated reimbursement from State and federal sources, and
2 any unique circumstances the school district can verify that
3 exist that would cause the implementation and operation of such
4 a mandate to be cost prohibitive.

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

15 If the regional superintendent grants an exemption to the
16 school district, then the school district is relieved from the
17 requirement to establish and implement the mandate in the
18 school or schools granted an exemption for the next school
19 year. If the regional superintendent of schools does not grant
20 an exemption, then the school district shall implement the
21 mandate in accordance with the applicable law or rule by the
22 first student attendance day of the next school year. However,
23 the school district or a resident of the school district may on
24 or before April 15 appeal the decision of the regional
25 superintendent to the State Superintendent of Education. The
26 State Superintendent shall hear appeals on the decisions of

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

12 If a school district or private school discontinues or
13 modifies a mandated activity due to lack of full funding from
14 the State, then the school district or private school shall
15 annually maintain and update a list of discontinued or modified
16 mandated activities. The list shall be provided to the State
17 Board of Education upon request.

18 (c) This Section does not apply to (i) any new statutory or
19 regulatory mandates related to revised learning standards
20 developed through the Common Core State Standards Initiative
21 and assessments developed to align with those standards or
22 actions specified in this State's Phase 2 Race to the Top Grant
23 application if the application is approved by the United States
24 Department of Education, ~~or~~ (ii) new statutory or regulatory
25 mandates from the Race to the Top Grant through the federal
26 American Recovery and Reinvestment Act of 2009 imposed on

1 school districts designated as being in the lowest performing
2 5% of schools within the Race to the Top Grant application, or
3 (iii) any changes made by this amendatory Act of the 101st
4 General Assembly.

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

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

8 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

13 "Valid cause" for absence shall be illness; attendance at a
14 pregnancy-related medical appointment; observance of a
15 religious holiday; death in the immediate family; family
16 emergency; fulfillment of a student's parenting
17 responsibility, including, but not limited to, arranging and
18 providing child care, caring for the student's sick child, or
19 attending medical appointments for the student's child; or
20 addressing circumstances resulting from gender-based violence,
21 as defined in Article 26A, including, but not limited to,
22 experiencing gender-based violence, recovering from physical
23 or psychological injuries, seeking medical attention, seeking
24 services from a domestic or sexual violence organization, as
25 defined in Article 26A, seeking psychological or other

1 counseling, participating in safety planning, temporarily or
2 permanently relocating, seeking legal assistance or remedies,
3 or taking any other action to increase the safety or health of
4 the student or to protect the student from future gender-based
5 violence and shall include such other situations beyond the
6 control of the student as determined by the board of education
7 in each district, or such other circumstances which cause
8 reasonable concern to the parent for the mental, emotional, or
9 physical health or safety of the student.

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

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

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

1 her parents or guardians or continuing school in another
2 country.

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

6 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
7 revised 10-4-18.)

8 (105 ILCS 5/Art. 26A heading new)

9 ARTICLE 26A. CHILDREN AND YOUTH WHO ARE PARENTS, EXPECTANT
10 PARENTS, OR VICTIMS OF GENDER-BASED VIOLENCE

11 (105 ILCS 5/26A-1 new)

12 Sec. 26A-1. Short title and application. This Article may
13 be referred to as the Ensuring Success in School Law. This
14 Article applies to all school districts and schools governed by
15 this Code, including those under Articles 13, 13A, 13B, 27A,
16 32, 33, and 34.

17 (105 ILCS 5/26A-5 new)

18 Sec. 26A-5. Purpose. The purpose of this Article is to
19 ensure that Illinois schools have policies, procedures, and
20 protocols in place that ensure children and youth who are
21 parents, expectant parents, or victims of gender-based
22 violence are identified by schools in a manner respectful of
23 their privacy and safety, treated with dignity and regard, and

1 provided the protection, instruction, and related
2 accommodations and services necessary to enable them to meet
3 State educational standards and successfully attain a high
4 school diploma. This Article shall be interpreted liberally to
5 aid in this purpose.

6 (105 ILCS 5/26A-10 new)

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

8 "Consent" includes, at a minimum, a recognition that (i)
9 consent is a freely given agreement to sexual activity, (ii) a
10 youth's lack of verbal or physical resistance or submission
11 resulting from the use of threat of force does not constitute
12 consent, (iii) a youth's manner of dress does not constitute
13 consent, (iv) a youth's consent to past sexual activity does
14 not constitute consent to future sexual activity, (v) a youth's
15 consent to engage in sexual activity does not constitute
16 consent to engage in sexual activity with another, (vi) a youth
17 can withdraw consent at any time, and (vii) a youth cannot
18 consent to sexual activity if that youth is unable to
19 understand the nature of the activity or give knowing consent
20 due to circumstances that include, but are not limited to, all
21 of the following:

22 (1) The youth is incapacitated due to the use or
23 influence of alcohol or drugs.

24 (2) The youth is asleep or unconscious.

25 (3) The youth is under age.

1 (4) The youth is incapacitated due to a mental
2 disability.

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

19 "Domestic violence" means abuse, as defined in Section 103
20 of the Illinois Domestic Violence Act of 1986, by a family or
21 household member, as defined in Section 103 of the Illinois
22 Domestic Violence Act of 1986.

23 "Electronic communication" includes communication via
24 telephone, mobile phone, computer, email, video recorder, fax
25 machine, telex, pager, apps or applications, or any other
26 electronic communication or cyberstalking as defined in

1 Section 12-7.5 of the Criminal Code of 2012.

2 "Expectant parent" means a youth who is pregnant or a youth
3 who intends to act as a parent and who has not yet received a
4 diploma for completion of a secondary education as defined in
5 Section 22-22.

6 "Gender-based violence" means domestic violence,
7 harassment, sexual activity without consent, sexual assault,
8 sexual violence, or stalking. Gender-based violence may occur
9 through electronic communication. Gender-based violence exists
10 regardless of when or where the violence occurred, whether or
11 not the violence is the subject of a criminal investigation or
12 the perpetrator has been criminally charged or convicted of a
13 crime, whether or not an order of protection or a no-contact
14 order is pending before or has been issued by a court, or
15 whether or not any gender-based violence took place on school
16 grounds, during regular school hours, or during a
17 school-sponsored event.

18 "Harassment" means any harassment or discrimination on the
19 basis of an individual's actual or perceived sex or gender,
20 including unwelcome sexual advances, requests for sexual
21 favours, other verbal or physical conduct of a sexual nature, or
22 unwelcome conduct, including verbal, nonverbal, or physical
23 conduct that is not sexual in nature, but is related to a
24 student's status as a parent, expectant parent, or victim of
25 gender-based violence.

26 "Parent", as it relates to a student, means a student who

1 is a custodial or a noncustodial parent taking an active role
2 in the care and supervision of a child and who has not yet
3 received a diploma for completion of a secondary education, as
4 defined in Section 22-22.

5 "Perpetrator" means an individual who commits or is alleged
6 to have committed any act of gender-based violence. The term
7 "perpetrator" must be used with caution when applied to
8 children, particularly young children.

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

17 "School", for purposes of the provisions of this Article
18 relating to children and youth who are parents, expectant
19 parents, or victims of gender-based violence, includes, but is
20 not limited to, (i) a public or State-operated elementary or
21 secondary school, (ii) a school operated pursuant to an
22 agreement with a public school district, including a
23 cooperative or joint agreement with a governing body or board
24 of control, (iii) a charter school operating in compliance with
25 the Charter Schools Law, (iv) a school operated under Section
26 13A-3, (v) an alternative school operated by third parties

1 within the City of Chicago under Section 13A-11, (vi) an
2 alternative learning opportunities program operated under
3 Article 13B, (vii) a public school administered by a local
4 public agency or the Department of Human Services operating
5 pursuant to the authority of this Code, and (viii) any schools
6 otherwise subject to Article 13, 13A, 13B, 27A, 32, 33, or 34.

7 "School district", for purposes of the provisions of this
8 Article relating to youth who are parents, expectant parents,
9 or victims of domestic or sexual violence, means any public
10 entity responsible for administering schools, including school
11 districts subject to Article 13, 13A, 13B, 27A, 32, 33, or 34,
12 or any other entity responsible for administering public
13 schools, such as cooperatives, joint agreements, charter
14 schools, special charter districts, regional offices of
15 education, local agencies, or the Department of Human Services.

16 "Sexual activity" means any knowingly touching or fondling
17 by one person, either directly or through clothing, of the sex
18 organs, anus, mouth, or breast of another person for the
19 purpose of sexual gratification or arousal.

20 "Sexual assault" means any conduct of an adult or minor
21 child proscribed in Article 11 of the Criminal Code of 2012,
22 except for Sections 11-35 and 11-45 of the Criminal Code of
23 2012, or similar provisions of the Criminal Code of 1961,
24 including conduct committed by perpetrators who are strangers
25 to the victim and conduct committed by perpetrators who are
26 known or related by blood or marriage to the victim.

1 "Stalking" means any conduct proscribed in Section 12-7.3,
2 12-7.4, or 12-7.5 of the Criminal Code of 2012, or similar
3 provisions of the Criminal Code of 1961, including stalking
4 committed by perpetrators who are strangers to the victim and
5 stalking committed by perpetrators who are known or related by
6 blood or marriage to the victim.

7 "Student" or "pupil" means any child or youth enrolled,
8 eligible to enroll, or previously enrolled in a school who has
9 not yet received a diploma for completion of a secondary
10 education, as defined in Section 22-22.

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

16 "Victim" means an individual who has been subjected to one
17 or more acts of gender-based violence.

18 "Youth" means a child, pupil, student, or juvenile below
19 the age of 21 years who has not yet completed his or her
20 prescribed course of study or has not received a diploma for
21 completion of a secondary education, as defined in Section
22 22-22. "Youth" includes, but is not limited to, unaccompanied
23 youth not in the physical custody of a parent or guardian.

24 (105 ILCS 5/26A-15 new)

25 Sec. 26A-15. Ensuring Success in School working group.

1 (a) The State Board of Education must create the Ensuring
2 Success in School working group comprised of all of the
3 following members, representative of the geographic, racial,
4 ethnic, sexual orientation, gender identity, and cultural
5 diversity of this State:

6 (1) One member representing the Office of the Governor,
7 appointed by the Governor.

8 (2) One senator appointed by the President of the
9 Senate, who shall serve as co-chairperson.

10 (3) One representative appointed by the Speaker of the
11 House of Representatives, who shall serve as
12 co-chairperson.

13 (4) One member representing a statewide, nonprofit,
14 nongovernmental domestic violence organization, appointed
15 by the State Board.

16 (5) A domestic violence victim's advocate or other
17 service provider from a different nonprofit organization,
18 appointed by the State Board.

19 (6) One member representing a statewide, nonprofit,
20 nongovernmental sexual assault organization, appointed by
21 the State Board.

22 (7) A sexual assault victim's advocate or service
23 provider from a different nonprofit, nongovernmental
24 sexual assault organization, appointed by the State Board.

25 (8) A teen parent advocate or service provider from a
26 nonprofit, nongovernmental organization, appointed by the

1 State Board.

2 (9) A lesbian, gay, bi-sexual, transgender, or
3 nonconforming youth advocate or service provider from a
4 nonprofit, nongovernmental organization, appointed by the
5 State Board.

6 (10) One member representing an accredited children's
7 advocacy center, appointed by the State Board.

8 (11) One member representing a statewide, nonprofit,
9 nongovernmental multi-issue advocacy organization with
10 expertise in a cross-section of relevant issues, appointed
11 by the State Board.

12 (12) A school social worker, appointed by the State
13 Board.

14 (13) A school psychologist, appointed by the State
15 Board.

16 (14) A school counselor, appointed by the State Board.

17 (15) A representative of a statewide professional
18 teachers' organization, appointed by the State Board.

19 (16) A representative of a different statewide
20 professional teachers' organization, appointed by the
21 State Board.

22 (17) A representative of a statewide organization
23 representing school boards, appointed by the State Board.

24 (18) A representative of a statewide organization
25 representing principals, appointed by the State Board.

26 (19) A representative of a school district organized

1 under Article 34, appointed by the State Board.

2 (b) The working group must advise the State Board on the
3 implementation, monitoring, and evaluation of this Article by
4 schools and school districts, including, but not limited to,
5 the development of policies, procedures, and protocols to be
6 implemented by schools and school districts. The working group
7 must ensure the participation of youth who are parents,
8 expectant parents, and victims of gender-based violence and
9 incorporate those students' advice and recommendations into
10 the working group's advice regarding the implementation,
11 monitoring, and evaluation of this Article.

12 (c) Members of the working group shall serve for a term of
13 2 years, which may be extended for a second term, without
14 compensation, but may be reimbursed for their travel expenses
15 from appropriations to the State Board made available for that
16 purpose and subject to the rules of the appropriate travel
17 control board.

18 (105 ILCS 5/26A-20 new)

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

21 (a) No later than July 1, 2020, and every 2 years
22 thereafter, each school district must review all existing
23 policies and procedures and must revise any existing policies
24 and procedures that may act as a barrier to the immediate
25 enrollment and re-enrollment, attendance, graduation, and

1 success in school of any youth who is a parent, expectant
2 parent, or victim of gender-based violence or any policies or
3 procedures that may compromise a criminal investigation
4 relating to gender-based violence or may re-victimize the
5 youth. A school district must adopt new policies and
6 procedures, as needed, to implement this Section and to ensure
7 that immediate and effective steps are taken to respond to
8 youth who are parents, expectant parents, or victims of
9 gender-based violence.

10 (b) A school district must confer with persons with
11 expertise in youth who are parents or expectant parents and
12 with persons with expertise in youth who are victims of
13 gender-based violence, including domestic and sexual violence
14 organizations, in (i) the review and revision and the adoption
15 and implementation of new policies and procedures under this
16 Section, including those policies and procedures related to
17 confidentiality, parental involvement, and a youth's
18 health-related or safety-related concerns in connection with
19 notifying a parent or guardian and (ii) the development and
20 distribution of materials related to those youth, including
21 outreach to youth not in school. A school district must ensure
22 that all materials distributed to youth are age appropriate and
23 culturally responsive and that youth are notified of and
24 understand the school district's policies and procedures,
25 including how and to whom to report any incident of
26 gender-based violence.

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

5 (1) The name and contact information for gender-based
6 violence and parenting resource personnel and the Title IX
7 coordinator, school and school district resource officers
8 or security, local law enforcement officials, and a
9 community-based domestic or sexual violence organization.

10 (2) The name, title, and contact information for
11 confidential advisors or other confidential resources and
12 a description of what confidential reporting means.

13 (3) Information regarding the various individuals,
14 departments, or organizations to whom a youth may report an
15 incident of gender-based violence, specifying for each
16 individual or entity (i) the extent of the individual's or
17 entity's reporting obligation to the school or school
18 district's administration, Title IX coordinator, or other
19 personnel or entity, (ii) the individual's or entity's
20 ability to protect the youth's privacy, and (iii) the
21 extent of the individual's or entity's ability to have
22 confidential communications with the youth or his or her
23 parent or guardian.

24 (4) An option for the youth or his or her parent or
25 guardian to electronically report the incident.

26 (5) An option for the youth or his or her parent or

1 guardian to anonymously report the incident.

2 (6) An option for the youth or his or her parent or
3 guardian to confidentially report the incident.

4 (7) An option for reports by third parties and
5 bystanders.

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

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

14 (105 ILCS 5/26A-25 new)

15 Sec. 26A-25. Complaint resolution procedure. On or before
16 January 1, 2021, each school district must adopt one procedure
17 to resolve complaints of alleged incidents of
18 student-perpetrated, gender-based violence and violations of
19 this Article. These procedures shall comply with the
20 confidentiality provisions of Sections 26A-20 and 26A-30. The
21 procedure must include, at a minimum, all of the following:

22 (1) Complainants alleging incidents of
23 student-perpetration of gender-based violence or
24 violations of this Article must have the opportunity to
25 request that the complaint resolution procedure begin

1 promptly and proceed in a timely manner.

2 (2) A school district must determine the individuals
3 who will resolve complaints of alleged incidents of
4 student-perpetrated, gender-based violence or violations
5 of this Article.

6 (3) All individuals whose duties include resolution of
7 complaints of alleged incidents of student-perpetrated,
8 gender-based violence or violations of this Article must
9 receive a minimum of 10 hours of annual training on issues
10 related to gender-based violence and how to conduct the
11 school district's complaint resolution procedure, which
12 may include the in-service training required under
13 subsection (d) of Section 10-22.39. This training must be
14 conducted by an individual or individuals with expertise in
15 gender-based violence in youth and expertise in
16 developmentally appropriate communications with elementary
17 and secondary school students regarding topics of a sexual,
18 violent, or sensitive nature.

19 (4) Each school district must have a sufficient number
20 of individuals trained to resolve complaints so that (i) a
21 substitution can occur in the case of a conflict of
22 interest or recusal and (ii) an individual with no prior
23 involvement in the initial determination or finding may
24 hear any appeal brought by a party.

25 (5) An individual resolving a complaint must use a
26 preponderance of the evidence standard to determine if the

1 alleged incident of student-perpetrated, gender-based
2 violence occurred.

3 (6) With complaints of alleged incidents of
4 student-perpetrated, gender-based violence, the
5 complainant and respondent shall (i) receive notice of the
6 name of the individual with authority to make a finding or
7 impose a sanction in the proceeding before the individual
8 may initiate contact with either party and (ii) have the
9 opportunity to request a substitution if the participation
10 of an individual with authority to make a finding or impose
11 a sanction poses a conflict of interest.

12 (7) Each school district must have a procedure to
13 determine interim protective measures and accommodations
14 available pending the resolution of the complaint,
15 including the implementation of court protective orders.

16 (8) Any proceeding, meeting, or hearing held to resolve
17 complaints of alleged incidents of student perpetrated,
18 gender-based violence or violations of this Article must
19 protect the privacy of the participating parties and
20 witnesses.

21 (9) The complainant, regardless of his or her level of
22 involvement in the complaint resolution procedure, and the
23 respondent must have the opportunity to provide or present
24 evidence and witnesses on their behalf during the complaint
25 resolution procedure.

26 (10) With complaints of alleged incidents of

1 student-perpetrated, gender-based violence, the
2 complainant and the respondent may not directly
3 cross-examine one another, but may, at the discretion and
4 direction of the individual resolving the complaint,
5 suggest questions to be posed by the individual resolving
6 the complaint and respond to the other party.

7 (11) Each party may request and must be allowed to have
8 an advisor of his or her choice accompany him or her to any
9 meeting or proceeding related to the alleged incident of
10 student-perpetrated, gender-based violence or violation of
11 this Article if the involvement of the advisor does not
12 result in undue delay of the meeting or proceeding. The
13 advisor must comply with any rules of the school district's
14 complaint resolution procedure regarding the advisor's
15 role. If the advisor violates the rules or engages in
16 behavior or advocacy that harasses, abuses, or intimidates
17 either party, a witness, or an individual resolving the
18 complaint, that advisor may be prohibited from further
19 participation in the meeting or proceeding.

20 (12) If the complaint resolution procedure involves a
21 hearing and the complainant or the respondent is a student,
22 he or she may not be compelled to testify in the presence
23 of the other party. If a party invokes this right, the
24 school district must provide a procedure by which each
25 party may, at a minimum, hear the other party's testimony.

26 (13) The complainant and the respondent are entitled to

1 simultaneous, written notification of the results of the
2 complaint resolution procedure, including information
3 regarding appeal rights, within 7 days after a decision or
4 sooner if required by State or federal law.

5 (14) The complainant and the respondent must, at a
6 minimum, have the right to timely appeal the complaint
7 resolution procedure's findings or imposed sanctions if a
8 party alleges that (i) a procedural error occurred, (ii)
9 new information exists that would substantially change the
10 outcome of the finding, or (iii) the sanction is
11 disproportionate to the violation. An individual reviewing
12 the findings or imposed sanctions may not have previously
13 participated in the complaint resolution procedure and may
14 not have a conflict of interest with either party. The
15 complainant and the respondent must receive the appeal
16 decision, in writing, within 7 days after the conclusion of
17 the review of findings or sanctions or sooner if required
18 by federal or State law.

19 (15) A school district may not disclose the identity of
20 the victim of gender-based violence or the respondent,
21 except as necessary to resolve the complaint or to
22 implement interim protective measures and accommodations
23 or when required by State or federal law.

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

1 trauma during the procedure, and how to avoid multiple
2 communications with students involved in an alleged
3 incident of gender-based violence.

4 (105 ILCS 5/26A-30 new)

5 Sec. 26A-30. Confidentiality.

6 (a) Each school district must adopt and implement a policy
7 and protocol to ensure that all information concerning a
8 youth's status and related experiences as a parent, expectant
9 parent, or victim of gender-based violence provided to or
10 otherwise obtained by the school district or its employees or
11 agents pursuant to this Code or otherwise, including a
12 statement of the youth or any other documentation, record, or
13 corroborating evidence or that the youth has requested or
14 obtained assistance, accommodations, or services pursuant to
15 this Code, shall be retained in the strictest confidence by the
16 school district or its employees or agents and may not be
17 disclosed to any other individual, including any other
18 employee, except to the extent that disclosure is (i) requested
19 or consented to in writing by the youth or the youth's parent
20 or guardian if it is safe to obtain written consent from the
21 youth's parent or guardian or (ii) otherwise required by
22 applicable federal or State law, including the Abused and
23 Neglected Child Reporting Act and professional ethics policies
24 that govern school personnel.

25 (b) Prior to disclosing information about a youth's status

1 as a parent, expectant parent, or victim of gender-based
2 violence, a school must notify the youth and discuss and
3 address any safety concerns related to the disclosure,
4 including instances where the youth indicates or the school or
5 school district or its employees or agents are otherwise aware
6 that the youth's health or safety may be at risk if his or her
7 status is disclosed to the youth's parent or guardian, except
8 as otherwise required by applicable federal or State law,
9 including the Abused and Neglected Child Reporting act and
10 professional ethics policies that govern the professional
11 school personnel.

12 (c) No youth may be required to testify publicly concerning
13 his or her status as a victim of gender-based violence,
14 allegations of gender-based violence, his or her status as a
15 parent or expectant parent, or the youth's efforts to enforce
16 any of his or her rights under provisions in this Code relating
17 to youth who are parents, expectant parents, or victims of
18 gender-based violence.

19 (d) In the case of gender-based violence, a school district
20 may not contact the person named to be the perpetrator, the
21 perpetrator's family, or any other person named by the youth or
22 named by the youth's parent or guardian to be unsafe to contact
23 to verify the violence. A school district may not contact the
24 perpetrator, the perpetrator's family, or any other person
25 named by the youth or the youth's parent or guardian to be
26 unsafe for any other reason without written permission from the

1 youth or his or her parent or guardian. Permission from the
2 youth's parent or guardian may not be pursued if the youth
3 alleges that his or her health or safety would be threatened if
4 the school or school district contacts the youth's parent or
5 guardian to obtain written permission.

6 (e) A school district must take all actions necessary to
7 comply with this Section no later than January 1, 2020.

8 (105 ILCS 5/26A-35 new)

9 Sec. 26A-35. Gender-based violence and parenting resource
10 personnel.

11 (a) Each school district shall designate or appoint at
12 least one staff person at each school in the district who is
13 employed at least part-time at the school and who is a school
14 social worker, school psychologist, school counselor, school
15 nurse, school teacher, or school administrator trained to
16 address, in a culturally responsive, confidential, and
17 sensitive manner, the needs of youth who are parents, expectant
18 parents, or victims of gender-based violence. The designated or
19 appointed staff person must have all of the following duties:

20 (1) Communicate with and listen to youth who are
21 parents, expectant parents, or victims of gender-based
22 violence.

23 (2) Connect youth described in paragraph (1) to
24 appropriate, in-school services or other agencies,
25 programs, or services as needed.

1 (3) Coordinate and monitor the implementation of the
2 school's and school district's policies, procedures, and
3 protocols in cases involving student allegations of
4 gender-based violence.

5 (4) Coordinate and monitor the implementation of the
6 school's and school district's policies, procedures, and
7 protocols as set forth in provisions of this Code
8 concerning youth who are parents, expectant parents, or
9 victims of gender-based violence.

10 (5) Assist youth described in paragraph (1) in their
11 efforts to exercise and preserve their rights as set forth
12 in provisions of this Code concerning youth who are
13 parents, expectant parents, or victims of gender-based
14 violence.

15 (6) Assist in providing staff development to establish
16 a positive and sensitive learning environment for youth
17 described in paragraph (1).

18 (b) A member of staff who is designated or appointed under
19 subsection (a) must (i) be trained to understand, provide
20 information and referrals, and address issues pertaining to
21 youth who are parents, expectant parents, or victims of
22 gender-based violence, including the theories and dynamics of
23 domestic and sexual violence, the necessity for
24 confidentiality and the law, policy, procedures, and protocols
25 implementing confidentiality, and the notification to the
26 youth's parent or guardian regarding the youth's status as a

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

14 (c) A school district must designate or appoint and train
15 all gender-based violence and parenting resource personnel,
16 and the personnel must assist in implementing the duties
17 described in this Section no later than April 1, 2020, except
18 in those school districts in which there exists a collective
19 bargaining agreement on the effective date of this amendatory
20 Act of the 101st General Assembly and the implementation of
21 this Section would be a violation of that collective bargaining
22 agreement. If implementation of some activities required under
23 this Section is prevented by an existing collective bargaining
24 agreement, a school district must comply with this Section to
25 the fullest extent allowed by the existing collective
26 bargaining agreement no later than April 1, 2020. In those

1 instances in which a collective bargaining agreement that
2 either fully or partially prevents full implementation of this
3 Section expires after April 1, 2020, a school district must
4 designate or appoint and train all gender-based and parenting
5 resource personnel, who shall implement the duties described in
6 this Section no later than the effective date of the new
7 collective bargaining agreement that immediately succeeds the
8 collective bargaining agreement in effect at the time this
9 Section becomes effective.

10 (105 ILCS 5/26A-40 new)

11 Sec. 26A-40. Accommodations, adjustments, and services.

12 (a) To facilitate the full participation of youth who are
13 parents, expectant parents, or victims of gender-based
14 violence, each school district must provide those youth with
15 reasonable accommodations and adjustments in school policy and
16 practice, in-school support services, access to non-school
17 based support services, and the ability to make up work missed
18 on account of circumstances related to the youth's status as a
19 parent, expectant parent, or victim of gender-based violence.
20 Victims of gender-based violence must have access to those
21 accommodations, adjustments, and services regardless of when
22 or where the violence for which they are seeking
23 accommodations, adjustments, or services occurred. All
24 accommodations, adjustments, and services must be continued
25 for as long as necessary to maintain the mental and physical

1 well-being and safety of the youth.

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

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

1 district must also assist those youth in accessing the support
2 services of non-school based organizations and agencies where
3 those youth typically receive services in the community.

4 (d) Any youth who is unable, because of circumstances
5 related to the youth's status as a parent, expectant parent, or
6 victim of gender-based violence, to participate in classes on a
7 particular day or days or at a particular time of day must be
8 excused from any examination or any study or work assignments
9 on that particular day or days or at that particular time of
10 day. It is the responsibility of the teachers and of the school
11 administrative personnel and officials to make available to
12 each youth who is unable to participate because of
13 circumstances related to the youth's status as a parent,
14 expectant parent, or victim of gender-based violence a
15 meaningful opportunity to make up any examination, study, or
16 work requirement that the youth has missed because of the
17 inability to participate on any particular day or days or at
18 any particular time of day. Costs assessed by a school district
19 on the youth for participation in those activities shall be
20 considered savable fees for any youth whose parent or guardian
21 is unable to afford them, consistent with the provisions of
22 Section 10-20.13. Each school district must adopt written
23 policies and procedures for waiver of those fees in accordance
24 with rules adopted by the State Board of Education.

25 (e) When a school or school district employee or agent
26 becomes aware of or suspects a youth's status as a parent,

1 expectant parent, or victim of gender-based violence, it is the
2 responsibility of the employee or agent of the school or school
3 district to inform the youth of the available services and
4 accommodations at the school and in the community that may
5 assist the youth in maintaining the youth's full educational
6 participation and the youth's successful performance. The
7 school or school district employee or agent must also refer the
8 youth to the school district's gender-based violence and
9 parenting personnel set forth in Section 26A-35. A school
10 district must make respecting a youth's privacy,
11 confidentiality, mental and physical health, and safety a
12 paramount concern.

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

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

4 (h) Individual, peer, group, and family counseling
5 services or psychotherapy must be made available to youth who
6 are parents, expectant parents, or victims of gender-based
7 violence consistent with the provisions of the Mental Health
8 and Developmental Disabilities Code. At least once every school
9 year, each school district must inform in writing all school
10 personnel and all students 12 years of age or older of the
11 availability of counseling without parental or guardian
12 consent under Section 3-5A-105 of the Mental Health and
13 Developmental Disabilities Code. This information must also be
14 provided to students immediately after any school personnel
15 becomes aware that a student is a parent, expectant parent, or
16 victim of gender-based violence.

17 (i) All domestic or sexual violence organizations and its
18 staff and any other non-school organization and its staff shall
19 maintain confidentiality pursuant to federal and State laws and
20 their professional ethics policies regardless of when or where
21 information, advice, counseling, or any other interaction with
22 students takes place. A school or school district may not
23 request or require those organizations or individuals to breach
24 confidentiality.

1 Sec. 26A-45. Assertion of rights; verification.

2 (a) For purposes of youth asserting their rights under
3 provisions relating to gender-based violence in Sections
4 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a
5 school district may require verification of the claim.
6 Verification may not be required for a youth to be referred to
7 or to receive in-school or out-of-school services. Any one of
8 the following shall be acceptable as a form of verification of
9 a youth's claim of gender-based violence, only one of which may
10 be required by a school district, and the youth or the youth's
11 parent or guardian shall choose which form of documentation to
12 submit to the school district:

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

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 organization or any other organization
20 from 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 gender-based violence services or advice.

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

26 All forms of verification received by a school district

1 under this subsection must be kept in a temporary file.

2 (b) A youth or a youth's parent or guardian who has
3 provided acceptable verification that the youth is or has been
4 a victim of gender-based violence may not be required to
5 provide any additional verification if the youth's efforts to
6 assert rights under this Code stem from a claim involving the
7 same perpetrator or the same incident of violence. No school or
8 school district shall request or require additional
9 documentation.

10 (c) The person named to be the perpetrator, the
11 perpetrator's family, or any other person named by the youth or
12 named by the youth's parent or guardian to be unsafe to contact
13 may not be contacted to verify the violence. The perpetrator,
14 the perpetrator's family, or any other person named by the
15 youth or the youth's parent or guardian to be unsafe may not be
16 contacted for any other reason without written permission of
17 the youth or written permission of the youth's parent or
18 guardian. Permission of the youth's parent or guardian may not
19 be pursued when the youth alleges that his or her health or
20 safety would be threatened if the school or school district
21 contacts the youth's parent or guardian to obtain written
22 permission.

23 (105 ILCS 5/26A-50 new)

24 Sec. 26A-50. Enforcement of provisions.

25 (a) Violations of this Article are actionable in civil

1 court. A student who is a parent, expectant parent, or victim
2 of gender-based violence has a cause of action against any
3 school or school district that fails to exercise due diligence
4 in responding to the student who is a parent, expectant parent,
5 or victim of gender-based violence whose status it knew or
6 should have known about. A student is not required to resolve a
7 complaint using the school district's complaint resolution
8 procedure developed under Section 26A-25 before filing an
9 action in civil court.

10 (b) A prevailing student shall be entitled to all relief
11 that would make him or her whole. This relief may include, but
12 is not limited to, all of the following:

13 (1) Declaratory relief.

14 (2) Injunctive relief.

15 (3) Recovery of costs and attorney's fees, including,
16 but not limited to, costs for expert testimony and witness
17 fees.

18 (4) Compensatory damages, including, but not limited
19 to:

20 (A) economic loss, including damage, destruction
21 or loss of use of personal property, and loss of past
22 or future earning capacity; and

23 (B) damages for personal injury, disease, or
24 mental and emotional harm, including medical,
25 rehabilitation, pain and suffering, and physical
26 impairment.

1 (5) Punitive damages.

2 (105 ILCS 5/26A-55 new)

3 Sec. 26A-55. Prohibited practices. No school or school
4 district may take any adverse action against a student who is a
5 parent, expectant parent, or victim of gender-based violence
6 because the student or his or her parent or guardian (i)
7 exercises or attempts to exercise his or her rights under this
8 Article, (ii) opposes practices that the student or his or her
9 parent or guardian believes to be in violation of this Article,
10 or (iii) supports the exercise of the rights of another under
11 this Article. Exercising rights under this Article includes,
12 but is not limited to, filing an action, instituting or causing
13 to be instituted any proceeding under or related to this
14 Article, or in any manner requesting, availing himself or
15 herself of, or declining any of the provisions of this Article,
16 including, but not limited to, accommodations or services.

17 (105 ILCS 5/27A-5)

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

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

24 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public
2 school or attendance center to charter school status. Beginning
3 on April 16, 2003 (the effective date of Public Act 93-3), in
4 all new applications to establish a charter school in a city
5 having a population exceeding 500,000, operation of the charter
6 school shall be limited to one campus. The changes made to this
7 Section by Public Act 93-3 do not apply to charter schools
8 existing or approved on or before April 16, 2003 (the effective
9 date of Public Act 93-3).

10 (b-5) In this subsection (b-5), "virtual-schooling" means
11 a cyber school where students engage in online curriculum and
12 instruction via the Internet and electronic communication with
13 their teachers at remote locations and with students
14 participating at different times.

15 From April 1, 2013 through December 31, 2016, there is a
16 moratorium on the establishment of charter schools with
17 virtual-schooling components in school districts other than a
18 school district organized under Article 34 of this Code. This
19 moratorium does not apply to a charter school with
20 virtual-schooling components existing or approved prior to
21 April 1, 2013 or to the renewal of the charter of a charter
22 school with virtual-schooling components already approved
23 prior to April 1, 2013.

24 On or before March 1, 2014, the Commission shall submit to
25 the General Assembly a report on the effect of
26 virtual-schooling, including without limitation the effect on

1 student performance, the costs associated with
2 virtual-schooling, and issues with oversight. The report shall
3 include policy recommendations for virtual-schooling.

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

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

21 A charter school shall comply with all non-curricular
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois. On or before September
24 1, 2015, the State Board shall promulgate and post on its
25 Internet website a list of non-curricular health and safety
26 requirements that a charter school must meet. The list shall be

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

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

17 (f) A charter school shall be responsible for the
18 management and operation of its fiscal affairs including, but
19 not limited to, the preparation of its budget. An audit of each
20 charter school's finances shall be conducted annually by an
21 outside, independent contractor retained by the charter
22 school. To ensure financial accountability for the use of
23 public funds, on or before December 1 of every year of
24 operation, each charter school shall submit to its authorizer
25 and the State Board a copy of its audit and a copy of the Form
26 990 the charter school filed that year with the federal

1 Internal Revenue Service. In addition, if deemed necessary for
2 proper financial oversight of the charter school, an authorizer
3 may require quarterly financial statements from each charter
4 school.

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

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

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

20 (3) the Local Governmental and Governmental Employees
21 Tort Immunity Act;

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

25 (5) the Abused and Neglected Child Reporting Act;

26 (5.5) subsection (b) of Section 10-23.12 and

1 subsection (b) of Section 34-18.6 of this Code;

2 (6) the Illinois School Student Records Act;

3 (7) Section 10-17a of this Code regarding school report
4 cards;

5 (8) the P-20 Longitudinal Education Data System Act;

6 (9) Section 27-23.7 of this Code regarding bullying
7 prevention;

8 (10) Section 2-3.162 of this Code regarding student
9 discipline reporting;

10 (11) Sections 22-80 and 27-8.1 of this Code;

11 (12) Sections 10-20.60 and 34-18.53 of this Code;

12 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~

13 (14) Section 26-18 of this Code; ~~and~~

14 (15) Section 22-30 of this Code; ~~and~~.

15 (16) Article 26A.

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

18 (h) A charter school may negotiate and contract with a
19 school district, the governing body of a State college or
20 university or public community college, or any other public or
21 for-profit or nonprofit private entity for: (i) the use of a
22 school building and grounds or any other real property or
23 facilities that the charter school desires to use or convert
24 for use as a charter school site, (ii) the operation and
25 maintenance thereof, and (iii) the provision of any service,
26 activity, or undertaking that the charter school is required to

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

17 (i) In no event shall a charter school that is established
18 by converting an existing school or attendance center to
19 charter school status be required to pay rent for space that is
20 deemed available, as negotiated and provided in the charter
21 agreement, in school district facilities. However, all other
22 costs for the operation and maintenance of school district
23 facilities that are used by the charter school shall be subject
24 to negotiation between the charter school and the local school
25 board and shall be set forth in the charter.

26 (j) A charter school may limit student enrollment by age or

1 grade level.

2 (k) If the charter school is approved by the Commission,
3 then the Commission charter school is its own local education
4 agency.

5 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
6 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
7 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
8 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
9 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
10 eff. 8-14-18; revised 10-5-18.)

11 (105 ILCS 5/34-18.24)

12 Sec. 34-18.24. Transfer of students.

13 (a) The board shall establish and implement a policy
14 governing the transfer of a student from one attendance center
15 to another within the school district upon the request of the
16 student's parent or guardian. A student may not transfer to any
17 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.

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

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

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

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

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

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

1 (d) (Blank).

2 (e) Notwithstanding any other provision of this Code, a
3 student who is a victim of gender-based violence, as defined in
4 Article 26A, must be permitted to transfer schools immediately
5 and as needed, including to a school in another school
6 district, if the student's continued attendance at a particular
7 attendance center, school facility, or school location poses a
8 risk to the student's mental or physical well-being or safety.
9 A transfer under this subsection within the school district
10 must be considered before a transfer into a different school
11 district. The school district the student transfers to must be
12 an adjoining school district, unless there is no attendance
13 center, school facility, or school location in that district in
14 which the student's attendance poses no risk to the student's
15 mental or physical well-being or safety. The school district
16 the student seeks to transfer to may deny a transfer to a
17 particular attendance center if (i) the attendance center
18 exceeds or, as a result of the transfer, would exceed its
19 attendance capacity, (ii) the student does not meet the
20 attendance center's academic criteria for enrollment, or (iii)
21 the transfer would prevent the school district from meeting
22 obligations under State or federal law, a court order, or a
23 consent decree. If no adjoining school district is available
24 for transfer, the student may transfer to another school
25 district, unless there is no attendance center, school
26 facility, or school location in that district in which the

1 student's attendance poses no risk to the student's mental or
2 physical well-being or safety. The school district the student
3 seeks to transfer to may deny a transfer to a particular
4 attendance center if any of the situations described in items
5 (i) through (iii) of this subsection apply. A school district
6 must waive tuition for a student who transfers under this
7 subsection to the school district and is a nonresident. A
8 student who transfers to another school under this subsection
9 due to gender-based violence must have full and immediate
10 access to extracurricular activities and any programs or
11 activities offered by or under the auspices of the school to
12 which the student has transferred. The school district may not
13 require a student who is a victim of gender-based violence to
14 transfer to another school or school district. No adverse or
15 prejudicial effects may result to any student who is a victim
16 of gender-based violence because of the student availing
17 himself or herself of or declining the provisions of this
18 subsection.

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

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

22 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

23 Sec. 5. (a) A parent or any person specifically designated
24 as a representative by a parent shall have the right to inspect

1 and copy all school student permanent and temporary records of
2 that parent's child, except if the child is a parent, expectant
3 parent, or victim of gender-based violence, as defined in
4 Article 26A. All information concerning a student's status and
5 related experiences as a parent, expectant parent, or victim of
6 gender-based violence, including a statement of the student or
7 any other documentation, record, or corroborating evidence and
8 the fact that the student has requested or obtained assistance,
9 accommodations, or services related to that status, must be
10 retained by the school in the strictest confidence. The
11 information contained in the student's permanent or temporary
12 record may be disclosed if, prior to disclosing the information
13 about a student's status as a parent, expectant parent, or
14 victim of gender-based violence, the school notifies the
15 student and discusses and addresses any health or safety
16 concerns related to that disclosure. If the student's health or
17 safety concerns are incapable of being satisfied to the
18 student's satisfaction, the information concerning the
19 student's status and related experiences as a parent, expectant
20 parent, or victim of gender-based violence may not be disclosed
21 as part of the student's permanent or temporary record.
22 Enforcement of this exception is as provided in Section 26A-40.
23 A student shall have the right to inspect and copy his or her
24 school student permanent record. No person who is prohibited by
25 an order of protection from inspecting or obtaining school
26 records of a student pursuant to the Illinois Domestic Violence

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

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

18 (c) A parent's or student's request to inspect and copy
19 records, or to allow a specifically designated representative
20 to inspect and copy records, must be granted within a
21 reasonable time, and in no case later than 10 business days
22 after the date of receipt of such request by the official
23 records custodian.

24 (c-5) The time for response under this Section may be
25 extended by the school district by not more than 5 business
26 days from the original due date for any of the following

1 reasons:

2 (1) the requested records are stored in whole or in
3 part at other locations than the office having charge of
4 the requested records;

5 (2) the request requires the collection of a
6 substantial number of specified records;

7 (3) the request is couched in categorical terms and
8 requires an extensive search for the records responsive to
9 it;

10 (4) the requested records have not been located in the
11 course of routine search and additional efforts are being
12 made to locate them;

13 (5) the request for records cannot be complied with by
14 the school district within the time limits prescribed by
15 subsection (c) of this Section without unduly burdening or
16 interfering with the operations of the school district; or

17 (6) there is a need for consultation, which shall be
18 conducted with all practicable speed, with another public
19 body or school district or among 2 or more components of a
20 public body or school district having a substantial
21 interest in the determination or in the subject matter of
22 the request.

23 The person making a request and the school district may
24 agree in writing to extend the time for compliance for a period
25 to be determined by the parties. If the requester and the
26 school district agree to extend the period for compliance, a

1 failure by the school district to comply with any previous
2 deadlines shall not be treated as a denial of the request for
3 the records.

4 (d) The school may charge its reasonable costs for the
5 copying of school student records, not to exceed the amounts
6 fixed in schedules adopted by the State Board, to any person
7 permitted to copy such records, except that no parent or
8 student shall be denied a copy of school student records as
9 permitted under this Section 5 for inability to bear the cost
10 of such copying.

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

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

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

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

25 (1) Communications otherwise protected by law as
26 privileged or confidential, including but not limited to,

1 information communicated in confidence to a physician,
2 psychologist or other psychotherapist, school social
3 worker, school counselor, school psychologist, or school
4 social worker, school counselor, or school psychologist
5 intern who works under the direct supervision of a school
6 social worker, school counselor, or school psychologist;
7 or

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

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

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

19 (Source: P.A. 100-532, eff. 9-22-17.)

20 Section 990. The State Mandates Act is amended by adding
21 Section 8.43 as follows:

22 (30 ILCS 805/8.43 new)

23 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
24 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 101st General Assembly.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.".