



Rep. Jed Davis

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10300HB5434ham002

LRB103 37482 RJT 72275 a

1 AMENDMENT TO HOUSE BILL 5434

2 AMENDMENT NO. _____. Amend House Bill 5434, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing
6 Sections 2-3.13a, 26-2a, and 26-12 as follows:

7 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

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

9 (a) The State Board of Education shall establish and
10 implement rules requiring all of the public schools and all
11 ~~private or~~ nonpublic elementary and secondary schools located
12 in this State, whenever any such school has a student who is
13 transferring to any other public elementary or secondary
14 school located in this or in any other state, to forward within
15 10 days of notice of the student's transfer an unofficial
16 record of that student's grades to the school to which such

1 student is transferring. Each public school at the same time
2 also shall forward to the school to which the student is
3 transferring the remainder of the student's school student
4 records as required by the Illinois School Student Records
5 Act. In addition, if a student is transferring from a public
6 school, whether located in this or any other state, from which
7 the student has been suspended or expelled for knowingly
8 possessing in a school building or on school grounds a weapon
9 as defined in the Gun Free Schools Act (20 U.S.C. 8921 et
10 seq.), for knowingly possessing, selling, or delivering in a
11 school building or on school grounds a controlled substance or
12 cannabis, or for battering a staff member of the school, and if
13 the period of suspension or expulsion has not expired at the
14 time the student attempts to transfer into another public
15 school in the same or any other school district: (i) any school
16 student records required to be transferred shall include the
17 date and duration of the period of suspension or expulsion;
18 and (ii) with the exception of transfers into the Department
19 of Juvenile Justice school district, the student shall not be
20 permitted to attend class in the public school into which he or
21 she is transferring until the student has served the entire
22 period of the suspension or expulsion imposed by the school
23 from which the student is transferring, provided that the
24 school board may approve the placement of the student in an
25 alternative school program established under Article 13A of
26 this Code. A school district may adopt a policy providing that

1 if a student is suspended or expelled for any reason from any
2 public or nonpublic ~~private~~ school in this or any other state,
3 the student must complete the entire term of the suspension or
4 expulsion before being admitted into the school district. This
5 policy may allow placement of the student in an alternative
6 school program established under Article 13A of this Code, if
7 available, for the remainder of the suspension or expulsion.
8 Each public school and each ~~private or~~ nonpublic elementary or
9 secondary school in this State shall within 10 days after the
10 student has paid all of his or her outstanding fines and fees
11 and at its own expense forward an official transcript of the
12 scholastic records of each student transferring from that
13 school in strict accordance with the provisions of this
14 Section and the rules established by the State Board of
15 Education as herein provided.

16 (b) The State Board of Education shall develop a one-page
17 standard form that Illinois school districts are required to
18 provide to any student who is moving out of the school district
19 and that contains the information about whether or not the
20 student is "in good standing" and whether or not his or her
21 medical records are up-to-date and complete. As used in this
22 Section, "in good standing" means that the student is not
23 being disciplined by a suspension or expulsion, but is
24 entitled to attend classes. No school district is required to
25 admit a new student who is transferring from another Illinois
26 school district unless he or she can produce the standard form

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

7 (b-5) A school district that has a student transferring to
8 any other public or nonpublic elementary or secondary school
9 or school district located in this State or in any other state
10 may not remove the student from the school district enrollment
11 roster until the school district receives written notification
12 from the school or school district to which the student is
13 transferring documenting that the student has enrolled there.
14 The notification may include a request from the school or
15 school district to which the student is transferring seeking
16 the student's academic transcripts or medical records or
17 signed documentation from the parent or guardian that the
18 parent or guardian is educating the student at home. If the
19 school district has not received the required written
20 notification and the student has accrued 15 consecutive days
21 of absence without valid cause, then Section 26-12 shall
22 apply.

23 (c) The State Board of Education shall, by rule, establish
24 a system to provide for the accurate tracking of transfer
25 students. This system shall, at a minimum, require that a
26 student who has been removed from the district's enrollment

1 roster be counted as a dropout in the calculation of a school's
2 or school district's annual student dropout rate unless the
3 school or school district to which the student transferred
4 (known hereafter in this subsection (c) as the transferee
5 school or school district) sends notification to the school or
6 school district from which the student transferred (known
7 hereafter in this subsection (c) as the transferor school or
8 school district) documenting that the student has enrolled in
9 the transferee school or school district. This notification
10 must occur on or before July 31 following the school year
11 during which the student withdraws from the transferor school
12 or school district or the student shall be counted in the
13 calculation of the transferor school's or school district's
14 annual student dropout rate. A request by the transferee
15 school or school district to the transferor school or school
16 district seeking the student's academic transcripts or medical
17 records shall be considered without limitation adequate
18 documentation of enrollment. Each transferor school or school
19 district shall keep documentation of such transfer students
20 for the minimum period provided in the Illinois School Student
21 Records Act. All records indicating the school or school
22 district to which a student transferred are subject to the
23 Illinois School Student Records Act.

24 (Source: P.A. 96-1423, eff. 8-3-10.)

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

1 (Text of Section before amendment by 102-466)

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

7 "Valid cause" for absence shall be illness, including the
8 mental or behavioral health of the student, observance of a
9 religious holiday, death in the immediate family, attendance
10 at a civic event, or family emergency and shall include such
11 other situations beyond the control of the student, as
12 determined by the board of education in each district, or such
13 other circumstances which cause reasonable concern to the
14 parent for the mental, emotional, or physical health or safety
15 of the student.

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

20 "Civic event" means an event sponsored by a non-profit
21 organization or governmental entity that is open to the
22 public. "Civic event" includes, but is not limited to, an
23 artistic or cultural performance or educational gathering that
24 supports the mission of the sponsoring non-profit
25 organization. The State Board of Education may adopt rules to
26 further define "civic event".

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

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

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

19 (Source: P.A. 101-81, eff. 7-12-19; 102-266, eff. 1-1-22;
20 102-321, eff. 1-1-22; 102-813, eff. 5-13-22; 102-981, eff.
21 1-1-23.)

22 (Text of Section after amendment by P.A. 102-466)

23 Sec. 26-2a. A "truant" is defined as a child who is subject
24 to compulsory school attendance and who is absent without
25 valid cause, as defined under this Section, from such

1 attendance for more than 1% but less than 5% of the past 180
2 school days.

3 "Valid cause" for absence shall be illness, including the
4 mental or behavioral health of the student, attendance at a
5 verified medical or therapeutic appointment, appointment with
6 a victim services provider, observance of a religious holiday,
7 death in the immediate family, attendance at a civic event, or
8 family emergency and shall include such other situations
9 beyond the control of the student, as determined by the board
10 of education in each district, or such other circumstances
11 which cause reasonable concern to the parent for the mental,
12 emotional, or physical health or safety of the student. For
13 purposes of a student who is an expectant parent, or parent, or
14 victim of domestic or sexual violence, "valid cause" for
15 absence includes (i) the fulfillment of a parenting
16 responsibility, including, but not limited to, arranging and
17 providing child care, caring for a sick child, attending
18 prenatal or other medical appointments for the expectant
19 student, and attending medical appointments for a child, and
20 (ii) addressing circumstances resulting from domestic or
21 sexual violence, including, but not limited to, experiencing
22 domestic or sexual violence, recovering from physical or
23 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
26 counseling, participating in safety planning, temporarily or

1 permanently relocating, seeking legal assistance or remedies,
2 or taking any other action to increase the safety or health of
3 the student or to protect the student from future domestic or
4 sexual violence. A school district may require a student to
5 verify his or her claim of domestic or sexual violence under
6 Section 26A-45 prior to the district approving a valid cause
7 for an absence of 3 or more consecutive days that is related to
8 domestic or sexual violence.

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

13 "Civic event" means an event sponsored by a non-profit
14 organization or governmental entity that is open to the
15 public. "Civic event" includes, but is not limited to, an
16 artistic or cultural performance or educational gathering that
17 supports the mission of the sponsoring non-profit
18 organization. The State Board of Education may adopt rules to
19 further define "civic event".

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

26 A "dropout" is defined as any child enrolled in grades 9

1 through 12 whose name has been removed from the district
2 enrollment roster for any reason other than the student's
3 death, extended illness, removal for medical non-compliance,
4 expulsion, aging out, graduation, or completion of a program
5 of studies and who has not transferred to another public or
6 nonpublic ~~private~~ school and is not known to be home-schooled
7 by his or her parents or guardians or continuing school in
8 another country.

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

12 (Source: P.A. 101-81, eff. 7-12-19; 102-266, eff. 1-1-22;
13 102-321, eff. 1-1-22; 102-466, eff. 7-1-25; 102-813, eff.
14 5-13-22; 102-981, eff. 1-1-23.)

15 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

16 Sec. 26-12. Punitive action.

17 (a) No punitive action, including out-of-school
18 suspensions, expulsions, or court action, shall be taken
19 against truant minors for such truancy unless appropriate and
20 available supportive services and other school resources have
21 been provided to the student. Notwithstanding the provisions
22 of Section 10-22.6 of this Code and except as otherwise
23 provided in this subsection (a), a truant minor may not be
24 expelled for nonattendance unless (i) the student ~~he or she~~
25 has accrued a minimum of 15 consecutive days of absences

1 without valid cause, (ii) and the student cannot be located by
2 the school district or the school district has located the
3 student but cannot, after exhausting all available supportive
4 services, compel the student to return to school, and (iii)
5 the school district has documented that the truant officer or,
6 in a school district that does not have a truant officer, the
7 regional superintendent of schools or the regional
8 superintendent's designee was unable to locate the student or
9 was unable to compel the student to return to school. A school
10 district may not expel a student for nonattendance, regardless
11 of the number of days of unexcused absences, if the student or
12 the student's parent or guardian has indicated to the district
13 an intent for the student to return to school by a specified
14 date and the student returns on or before that date.

15 (b) A school district may not refer a truant, chronic
16 truant, or truant minor to any other local public entity, as
17 defined under Section 1-206 of the Local Governmental and
18 Governmental Employees Tort Immunity Act, for that local
19 public entity to issue the child a fine or a fee as punishment
20 for his or her truancy.

21 (c) A school district may refer any person having custody
22 or control of a truant, chronic truant, or truant minor to any
23 other local public entity, as defined under Section 1-206 of
24 the Local Governmental and Governmental Employees Tort
25 Immunity Act, for that local public entity to issue the person
26 a fine or fee for the child's truancy only if the school

1 district's truant officer, regional office of education, or
2 intermediate service center has been notified of the truant
3 behavior and the school district, regional office of
4 education, or intermediate service center has offered all
5 appropriate and available supportive services and other school
6 resources to the child. Before a school district may refer a
7 person having custody or control of a child to a municipality,
8 as defined under Section 1-1-2 of the Illinois Municipal Code,
9 the school district must provide the following appropriate and
10 available services:

11 (1) For any child who is a homeless child, as defined
12 under Section 1-5 of the Education for Homeless Children
13 Act, a meeting between the child, the person having
14 custody or control of the child, relevant school
15 personnel, and a homeless liaison to discuss any barriers
16 to the child's attendance due to the child's transitional
17 living situation and to construct a plan that removes
18 these barriers.

19 (2) For any child with a documented disability, a
20 meeting between the child, the person having custody or
21 control of the child, and relevant school personnel to
22 review the child's current needs and address the
23 appropriateness of the child's placement and services. For
24 any child subject to Article 14 of this Code, this meeting
25 shall be an individualized education program meeting and
26 shall include relevant members of the individualized

1 education program team. For any child with a disability
2 under Section 504 of the federal Rehabilitation Act of
3 1973 (29 U.S.C. 794), this meeting shall be a Section 504
4 plan review and include relevant members of the Section
5 504 plan team.

6 (3) For any child currently being evaluated by a
7 school district for a disability or for whom the school
8 has a basis of knowledge that the child is a child with a
9 disability under 20 U.S.C. 1415(k)(5), the completion of
10 the evaluation and determination of the child's
11 eligibility for special education services.

12 (d) Before a school district may refer a person having
13 custody or control of a child to a local public entity under
14 this Section, the school district must document any
15 appropriate and available supportive services offered to the
16 child. In the event a meeting under this Section does not
17 occur, a school district must have documentation that it made
18 reasonable efforts to convene the meeting at a mutually
19 convenient time and date for the school district and the
20 person having custody or control of the child and, but for the
21 conduct of that person, the meeting would have occurred.

22 (Source: P.A. 100-810, eff. 1-1-19; 100-825, eff. 8-13-18;
23 101-81, eff. 7-12-19.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act."