



# **ENSURING SUCCESS IN SCHOOL ACT**

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## **A MODEL ACT**

To ensure educational success for youth who are expectant parents, parents, or victims of domestic or sexual violence

For more information contact Wendy Pollack at 312.263.3830 ext. 238 or [wendypollack@povertylaw.org](mailto:wendypollack@povertylaw.org)

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### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS**

- (a) **SHORT TITLE.** – This Act may be cited as the “Ensuring Success in School Act”.
- (b) **TABLE OF CONTENTS.** – The table of contents for this Act is as follows:

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## SECTION 2. LEGISLATIVE PURPOSE

The General Assembly, mindful that children are our most precious resource; that the demands and needs of adolescence make it a critical stage for educational development in children; and that well-educated youth are a critical component of a skilled and productive workforce, declares that it is the purpose of this Act:

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

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

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

(4) to promote best practices in schools for the fulfillment of the constitutional goal of the educational development of all persons to the limit of their capacities **[or paraphrase comparable language from State constitution]**.

### SECTION 3. LEGISLATIVE FINDINGS

The General Assembly hereby finds and declares all of the following:

- (1) Youth, due to early pregnancy, childbearing, parenting, or the experience of domestic or sexual violence, experience significant educational losses leading to a lifelong loss of schooling.
- (2) Half of teen mothers drop out of school before becoming pregnant<sup>1</sup> and almost 60% of youth with a school-age pregnancy drop out between 8<sup>th</sup> and 12<sup>th</sup> grade.<sup>2</sup>
- (3) Only 64% of teen mothers complete their high school education or receive a GED.<sup>3</sup>
- (4) Those parenting youth who do complete high school are less likely to attend college than their peers without children.<sup>4</sup>
- (5) This issue is of particular concern in Illinois where over 10% of Illinois births are to teen mothers and between 2000 and 2003 more than 77,000 Illinois teens gave birth.<sup>5</sup>
- (6) More than 60% of young women who become pregnant as youth have been sexually or physically abused at some point in their lives.<sup>6</sup>

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<sup>1</sup> Nat'l Campaign to Prevent Teen Pregnancy, NOT JUST ANOTHER SINGLE ISSUE: TEEN PREGNANCY PREVENTION'S LINK TO OTHER CRITICAL SOCIAL ISSUES 10 (2002), <http://www.teenpregnancy.org/resources/data/pdf/notjust.pdf>.

<sup>2</sup> Alan Houseman, *Introduction*, in LEAVE NO YOUTH BEHIND: OPPORTUNITIES FOR CONGRESS TO REACH DISCONNECTED YOUTH 8 (Jodie Levin-Epstein & Mark H. Greenberg, Center for Law and Social Policy, eds., July 2003), [www.clasp.org/publications/Disconnected\\_Youth.pdf](http://www.clasp.org/publications/Disconnected_Youth.pdf) (citing Jennifer Manlove, *The Influence of High School Dropout and School Disengagement on the Risk of School-Age Pregnancy*, 8 JOURNAL OF RESEARCH ON ADOLESCENCE 187, 199 (1998)).

<sup>3</sup> GAO, TEEN MOTHERS: SELECTED SOCIO-DEMOGRAPHIC CHARACTERISTICS AND RISK FACTORS (June 1998), <http://www.hi-ho.ne.jp/taku77/refer/teenmo.pdf>.

<sup>4</sup> The Allen Guttmacher Institute, FACTS IN BRIEF: TEEN SEX AND PREGNANCY (1999), [www.aig-usa.org](http://www.aig-usa.org).

<sup>5</sup> Ill. Dep't of Pub. Health, ILL. TEEN BIRTHS BY COUNTY: 2000-2001, <http://www.idph.state.il.us/health/teen/teen0001.htm> (last visited Aug. 4, 2005); Ill. Dep't of Pub. Health, ILL. TEEN BIRTHS BY COUNTY: 2002-2003, <http://www.idph.state.il.us/health/teen/teen0203.htm> (last visited Aug. 4, 2005).

- (7) Over 60% of forcible rapes occur before the victim is 18 years old.<sup>7</sup>
- (8) In 2001, 8.1% of Illinois students reported being a victim of dating violence and 5.6% reported having been sexually assaulted.<sup>8</sup>
- (9) Physical and sexual dating violence against adolescent girls is associated with increased risk of substance abuse, unhealthy weight control behaviors, sexual risk behaviors, pregnancy and suicide.<sup>9</sup>
- (10) Violence exposure among adolescent mothers is significantly and positively associated with attention and behavior problems in school, as well as rates of suspension/expulsion, and school drop-out.<sup>10</sup>
- (11) Lifelong loss of schooling has a significant impact on one's ability to attain economic success and stability later in life.
- (12) Youth who graduate from high school on the average earn \$9,245 more per year than high school dropouts.<sup>11</sup>

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<sup>6</sup> Sally Leiderman with Carlo Almo, Center for Assessment and Policy Development & National Organization on Adolescent Pregnancy, Parenting, and Prevention, INTERPERSONAL VIOLENCE AND ADOLESCENT PREGNANCY: PREVALENCE AND IMPLICATIONS FOR PRACTICE AND POLICY (2001) [www.noapp.org/Downloads/FinalreportVIOLENCEANDADOLESCENTPREGNANCY.pdf](http://www.noapp.org/Downloads/FinalreportVIOLENCEANDADOLESCENTPREGNANCY.pdf); *see also* Boyer & Fine, *Sexual Abuse as a Factor in Adolescent Pregnancy and Child Maltreatment*, 24 FAM. PLAN. PERSPECTIVES (1992).

<sup>7</sup> Rape Treatment Center, FACTS & QUOTES: STATISTICS, <http://66.216.123.69/RTC/Facts+and+Quotes/Statistics/> (last visited Aug. 8, 2005) (citing The National Victim Center, RAPE IN AMERICA: A REPORT TO THE NATION 3 (1992)).

<sup>8</sup> Centers for Disease Control and Prevention, *Youth Risk Behavior Surveillance—United States, 2001*, MORBIDITY AND MORTALITY WEEKLY REPORT, June 28, 2002, at 28, <http://www.cdc.gov/mmwr/PDF/ss/ss5104.pdf>.

<sup>9</sup> Jay G. Silverman, Anita Raj, Lorelei A. Mucci, & Jeanne E. Hathaway, *Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality*, 286 J. AM. MED. ASS'N 572-79 (2001).

<sup>10</sup> Angie C. Kennedy & Larry Bennett, *Urban Adolescent Mothers Exposed to Community, Family, and Partner Violence: Is Cumulative Violence a Barrier to School Performance and Participation?*, 21 JOURNAL OF INTERPERSONAL VIOLENCE (forthcoming June 2006).

<sup>11</sup> *Give Yourself the Gift of a Degree*, EMPLOYMENT POLICY FOUNDATION, Dec. 19, 2001, <http://www.epf.org/news/nrelease.asp?nrid=51>.

(13) Youth who drop out of high school are 72% more likely to be unemployed than those who graduate,<sup>12</sup> and they remain unemployed for longer periods than their counterparts with a high school degree.<sup>13</sup>

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<sup>12</sup> U.S. Dep't of Labor, SO YOU ARE THINKING ABOUT DROPPING OUT OF SCHOOL? (2005), [www.dol.gov/asp/fibre/dropout.htm](http://www.dol.gov/asp/fibre/dropout.htm).

<sup>13</sup> Houseman, *supra* note 2 at 11.

#### SECTION. 4 DEFINITIONS

In this Act, except as otherwise expressly provided:

(1) AT RISK OF ACADEMIC FAILURE—The term “at risk of academic failure” means a student is at risk of failing to meet the Illinois Learning Standards or failing to graduate from elementary or high school; and demonstrates a need for educational support or social services beyond those provided by the regular school program.

*NOTE: Research state law and regulations to determine what, if any, educational standards can be referenced as a benchmark for academic performance.*

(2) DOMESTIC VIOLENCE —The term “domestic violence” includes one or more acts or threats of violence among family or household members or persons who have or have had a dating or engagement relationship, not including acts of self defense or defense of another, as defined in 705 ILL. COMP. STAT. § 60/103.

**[Reference state domestic violence law if it provides a comprehensive definition.]**

(3) EQUIVALENT EDUCATIONAL EXPERIENCE—An “equivalent educational experience” is one that is designed to promote the youth’s continued learning and re-integration into the classroom and regular education program.

(4) EXPECTANT PARENT —The term “expectant parent” means a female who is pregnant or a male who voluntarily identifies himself as the parent of an unborn child by seeking services for teen parents and who has not yet graduated from high school with a regular high school diploma.

(5) HOMELESS YOUTH—A “homeless youth” is one defined as such in either the McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. § 11434a (2), or the Illinois Education for Homeless Children Act, 105 ILL. COMP. STAT. § 45/1-5. **[Reference relevant state law if possible.]**

(6) LOCAL EDUCATIONAL AGENCY—The term “local educational agency” means any local education agency as defined in 20 U.S.C. § 7801 (26) (2005).

(7) PARENT—The term “parent” means a custodial parent or the noncustodial parent taking an active role in the care and supervision of the child, and who has not yet graduated from high school with a regular high school diploma.

(8) PERPETRATOR—The term “perpetrator” means an individual who commits or is alleged to have committed any act or threat of domestic or sexual violence as defined in this Act.

(9) PREVIOUS SCHOOL—The term “previous school” means the school in which the youth was last enrolled or the school the youth last attended.

(10) PREVIOUS SCHOOL DISTRICT—The term “previous school district” means the school district in which the youth was last enrolled or the school district the youth last attended.

(11) PRIMARY AGGRESSOR—The term “primary aggressor” means the person determined to be the most significant, rather than the first, aggressor. In identifying the primary aggressor the following shall be considered: whether either person issued threats creating fear of physical injury; whether there is a history of domestic or sexual violence between the persons involved; whether either person acted in self-defense; whether either person used or threatened to

use a weapon and/or physical force; and, the relative severity of the injuries inflicted on each person.

(12) SCHOOL — The term “school” means without limitation: a public or State-operated elementary or secondary school; a school operated pursuant to an agreement with a public school district, including a cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law, a state-operated alternative school, and an alternative learning opportunities program; or a public school administered by a local public agency or the Department of Human Services operating pursuant to the authority of this Code.

**NOTE:** *The definition of “school” should be comprehensive. Research the laws in your state and include the different types of schools and entities that operate public schools.*

(13) SCHOOL DISTRICT—The term “school district” means any public entity responsible for administering public schools, and includes other entities responsible for administering public schools, such as cooperatives, joint agreements, charter schools, special charter districts, regional offices of education, local agencies, and the Department of Human Services.

**NOTE:** *Research the various entities in your state that have authority to operate public schools and include them in this list to ensure that it is complete.*

(14) SEXUAL VIOLENCE —The term “sexual violence” means one or more acts or threats of sexual assault, abuse, or stalking of an adult or minor child proscribed in the Criminal Code of 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15, 12-16, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.

**[Reference relevant state law if possible.]**

*NOTE: The definitions for “Domestic Violence” and “Sexual Violence” should be as broad as possible to cover all relevant conduct. Where state law offers an inclusive definition, define domestic and/or sexual violence by reference to the existing state law. The Illinois Domestic Violence Act, 705 Ill. Comp. Stat. §60/103, is an example of a fairly comprehensive state law definition for domestic violence.*

(15) STUDENT —The term “student” or “pupil” means any youth enrolled, eligible to enroll, or previously enrolled in a “school” as defined in this Act.

(16) SUPPORT SERVICES—The term "support services" means services that help the enrolled youth by enhancing his or her academic ability or mental and physical health, or facilitating access to academic programs and services, including but not limited to child care and transportation. The purpose of support services is to enable the enrolled youth to earn a high school diploma.

(17) VICTIM —The term “victim” means an individual who has been subjected to one or more acts or threats of domestic or sexual violence as defined in this Act.

(18) YOUTH —The term “youth,” except as otherwise provided herein, means a child, student, or juvenile age 21 and below who has not yet completed his or

her prescribed course of study or has not graduated from high school with a regular high school diploma. The term youth includes but is not limited to unaccompanied youth not in the physical custody of a parent or guardian.

# **TITLE I—EDUCATION RIGHTS AND RESPONSIBILITIES**

## **Subtitle A—General Provisions**

### **SECTION 1001. RIGHT TO ATTEND SCHOOL.**

Youth who are expectant parents, parents, or victims of domestic or sexual violence have the right to attend school and receive the same or equivalent educational instruction as other youth in accordance with the goal of the Constitution of the State of Illinois to promote the educational development of all persons to the limits of their capacities. **[Reference state constitution if possible.]** No such youth shall be deprived of or denied the opportunity to participate in or complete an elementary and secondary public school education because of their status as an expectant parent, parent, or victim of domestic or sexual violence.

### **SECTION 1002. CONFIDENTIALITY.**

All information concerning a youth's status as an expectant parent, parent, or victim of domestic or sexual violence provided to the school or school district or its employees and agents pursuant to this Act, including a statement of the youth or any other documentation, record, or corroborating evidence, and the fact that the youth has requested or obtained assistance, accommodations, or services pursuant to this Act, shall be retained in the strictest confidence by the school or school district and its employees and agents, except to the extent that disclosure is: requested or consented to in writing by the youth; or otherwise required by applicable federal or State law.

**SECTION 1003. SPECIALLY TRAINED PERSONNEL.**

(1) GENERAL—Each school district shall designate or appoint at least one staff person who is either a school social worker, psychologist, counselor, or nurse and who is trained to address in a confidential and sensitive manner the needs of youth who are expectant parents, parents, or victims of domestic or sexual violence. School districts with more than \_\_\_\_ students shall designate or appoint at least one additional staff person for every \_\_\_\_ additional students who is either a school social worker, psychologist, counselor, or nurse and who is trained to address in a confidential and sensitive manner the needs of youth who are expectant parents, parents, or victims of domestic or sexual violence. However, no school district is required to designate or appoint more than \_\_\_\_ specially trained school personnel.

*NOTE: The ratio of specially trained personnel to students and the total number of specially trained personnel employed by a school district will vary among school districts and may be subject to negotiations during the legislative process.*

Designated staff shall be responsible for, but not limited to, all of the following activities:

- a) communicating with and listening to youth who are expectant parents, parents, or the victims of domestic or sexual violence;
- b) connecting such youth to appropriate in-school services and other agencies, programs and services as needed;
- c) implementing the school district's policies, procedures and protocols for the implementation of this Act; and
- d) assisting such youth in their efforts to exercise and preserve their rights as set forth in this Act.

(2) **MINIMUM TRAINING**—At minimum, designated or appointed staff shall be trained to understand, provide information and referrals and/or address the following:

**(i) Issues pertaining to youth who are expectant parents and/or parents:**

education and employment rights, responsibilities and opportunities; public benefits and housing; health care, including adolescent consent and confidentiality rights; child care; child health and development; and family planning.

**(ii) Issues pertaining to youth who are victims of domestic violence:**

theories and dynamics of domestic violence including a definition of domestic and dating violence; power, control and cycles of violence; barriers to leaving abusive relationships; aspects of healthy and unhealthy relationships; effects of domestic violence on survivors; perpetrator characteristics and accountability; medical and legal advocacy including orders of protection; and

crisis intervention, safety planning and referrals. **[Reference any relevant state laws.]**

(iii) **Issues pertaining to youth who are victims of sexual violence:** theories and history of sexual violence and oppression; types of sexual violence including stranger rape, acquaintance/campus rape, child sexual abuse and incest, multiple assailants/gang rape, and same sex rape; medical and legal advocacy with sexual violence victims including criminal and civil legal options, and consent by minors to medical procedures, and information about drugs facilitating rape; crisis intervention, safety planning and referrals.

**[Reference any relevant state laws.]**

All designated and appointed staff shall keep all information concerning a youth's status as an expectant parent, parent, or victim of domestic or sexual violence provided to the school in the strictest of confidence consistent with the requirements of Section 1002 this Act.

***NOTE:** Specially trained personnel are not meant to serve as a replacement for properly trained and supervised domestic or sexual violence advocates and service providers.*

**SECTION 1004. PARENTAL INVOLVEMENT.**

(1) GENERAL—Parental involvement in enforcing the rights of youth who are expectant parents, parents, or victims of domestic or sexual violence, is desirable and frequently essential to protecting the interests of such youth.

(a) Schools and school districts shall develop and implement policies and procedures consistent with this Act to enable parent(s) and/or guardian(s) of youth who are expectant parents, parents, or victims of domestic or sexual violence to be informed of actions taken under this Act and to enforce the rights of youth protected by this Act subject to the limitations set forth below.

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

(2) NOTIFYING PARENTS—When a school or school district employee or agent becomes aware of or suspects a youth’s status as an expectant parent, parent, or victim of domestic or sexual violence, the youth shall be referred to the school district’s specially trained personnel. The specially trained personnel shall discuss the following issues with the youth with an aim to assisting the youth in notifying a parent or guardian about the youth’s status as an expectant parent, parent, or victim of domestic or sexual violence:

(a) The youth's safety-related concerns, if any, in connection with notifying a parent or guardian about his or her status as an expectant parent, parent, or victim of domestic or sexual violence;

(b) The youth's plan for notifying a parent or guardian about his or her status as an expectant parent, parent, or victim of domestic or sexual violence, which may include a session for the youth and his or her parent(s) or guardian(s) mediated by the specially trained personnel; and

(c) The youth's plan for reporting back to the specially trained personnel about the parent or guardian's response to the youth's disclosure as well as any new safety concerns.

(3) WHEN PARENTAL INVOLVEMENT IS A THREAT TO YOUTH—When the youth has stated that his or her health or safety would be threatened if he or she were to reveal his or her status as an expectant parent, parent, or victim of domestic or sexual violence to a parent or guardian, the specially trained personnel shall not assist that youth in notifying a parent or guardian about the youth's status as an expectant parent, parent, or victim of domestic or sexual violence, nor shall any school or school district employee or agent inform a youth's parent or guardian about the youth's status, or in any other way seek to involve the youth's parent or guardian. In such cases, the specially trained personnel shall refer the youth to a community-based organization that provides services to expectant and parenting youth or to victims of domestic or sexual violence, as appropriate.

***NOTE:*** Consider adding provisions to ensure that youth who cannot obtain the consent of a parent or guardian or for whom parental involvement would be unsafe are still able to obtain services and enforce their rights under this Act.

(4) REQUIRED DISCLOSURE—The above provisions shall not preclude a school or school district employee or agent from disclosing information about a youth who is an expectant parent, parent, or victim of domestic or sexual violence to specified agencies or persons under the following circumstances:

- (i) where a caretaker or household member has abused the youth and reporting to the Department of Children and Family Services is required under State Law;
- (ii) when a parent or a parent’s designated representative who is not barred by an order of protection, civil no contact order, or otherwise barred from accessing the youth’s school records, seeks access to such records under State Law, and the school records contain information about the youth’s status as an expectant parent, parent, or victim of domestic or sexual violence; or
- (iii) when disclosure is allowed only by a school counselor, social worker, or psychologist when a communication with the youth reveals the intended commission of a crime or harmful act and such disclosure is judged necessary to protect any person from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to the public safety.

***NOTE:** Research state law to determine when, if ever, mandated reporting by specially trained personnel is required. Illinois law, for example, allows parents who are not otherwise barred by an order of protection, full access to their children's school records. Likewise, Illinois law requires school employees and agents to report information about abuse of minors committed by a parent, caretaker relative or household member.*

**SECTION 1005. VERIFICATION OF STATUS.**

A school district may require a youth to provide verification that he or she is or has been a victim of domestic or sexual violence only when a youth asserts rights under the Act on the basis of domestic or sexual violence. Any one of the following shall be acceptable verification of a youth's claim of domestic or sexual violence:

- (1) A written statement from the youth or anyone who has knowledge of the circumstances that support the youth's claim;
- (2) A police report, government agency record or court record;
- (3) A statement or other documentation from a domestic or sexual violence organization from which the youth sought services or advice;
- (4) Documentation from a lawyer, clergy person, medical professional, or other professional from whom the youth sought domestic or sexual violence services or advice;
- (5) Other evidence, such as physical evidence of violence; or
- (6) Any other evidence that supports the claim.

A youth who has provided one form of acceptable verification that he or she has been a victim of domestic or sexual violence shall not be required to provide any

additional verification if the youth's efforts to assert rights under this Act stem from a claim involving the same perpetrator.

The person named by a student or named by the student's parent or guardian to be the perpetrator, the perpetrator's family, or any other person unsafe to contact must not be contacted to verify the abuse. The perpetrator, the perpetrator's family, or any other person named by the student or the student's parent or guardian to be unsafe to contact must not be contacted for any other reason without written permission of the student or written permission of the student's parent or guardian, if it is safe to obtain written permission of the student's parent or guardian.

## **Subtitle B—Policies, Procedures and Protocols for Implementation of this Act**

### **SECTION 1006. MANDATORY MINIMUM POLICIES, PROCEDURES, AND PROTOCOLS**

All school districts shall adopt and implement policies, procedures and protocols for implementation of this Act that shall have the effect of rules consistent with Section 10-20.5 of this Code. **[Reference state law that grants school districts rulemaking authority, if any.]** At minimum, each school district’s policies, procedures and protocols shall address all of the following:

(1) IDENTIFYING AND REFERRING STUDENTS—School districts shall adopt and implement a procedure and protocol to direct and guide school or school district employees or agents who become aware of or suspect a youth’s status as an expectant parent, parent, or victim of domestic or sexual violence. Such procedure and protocol, at minimum, shall clarify how and under what circumstances the employee or agent shall refer the youth to the school district’s specially trained personnel as set forth in Section 1003 of this Act.

(2) ALLEGATIONS OF DOMESTIC AND SEXUAL VIOLENCE—School districts shall adopt and implement policies and procedures to address allegations of domestic or sexual violence and ensure student safety in cases in which the alleged victim is a student and the alleged perpetrator is either an employee or agent of the school or school district, a fellow student, or an individual unaffiliated with the school or school district. Such policies and procedures, at minimum, shall ensure that no school employee or agent, or person who learns of

the allegation from a school employee or agent, discloses the allegation to any person, including other school employees or agents, without the written consent of the student or the student's parent or guardian.

The policies and procedures must also include measures designed to ensure that any person named by a student or named by the student's parent or guardian to be the perpetrator, the perpetrator's family, or any other person unsafe to contact must not be contacted to verify the abuse. The perpetrator, the perpetrator's family, or any other person named by the student or the student's parent or guardian to be unsafe to contact must not be contacted for any other reason without written permission of the student or written permission of the student's parent or guardian, if it is safe to obtain written permission of the student's parent or guardian.

Where steps to ensure student safety would infringe upon an alleged perpetrator's employment or education rights, the alleged perpetrator must be informed of the allegation before any measures are implemented. However, prior to informing the alleged perpetrator of the student's allegation, the school must first obtain the written consent of the student or of the student's parent or guardian. If the student or the student's parent or guardian refuses consent the safety measures will not be implemented. In such cases, the perpetrator, the perpetrator's family or any other person named by the student or the student's parent or guardian as unsafe to contact shall not be informed of the allegation. When the student or the student's parent or guardian does not provide such written permission, the school district shall implement safety measures that would

not infringe upon the alleged perpetrator's employment or education rights when necessary to promote the safety of the student victim.

(3) TRAINING—School districts shall adopt and implement a procedure and protocol to train designated school personnel as set forth in Section 1003 of this Act.

***NOTE:** Pay close attention to issues related to mandated reporting of child abuse and ensure that no policy enacted by the school district to address the identification, referrals or treatment of allegations involving student victims of domestic or sexual violence conflicts with school district employees' obligations to report child abuse under state law.*

#### **SECTION 1007. FORMATION OF STATEWIDE WORKING GROUP.**

The State Board of Education shall appoint and convene a statewide working group charged with developing and recommending model policies, procedures, and protocols for the implementation of this Act and that address the issues set forth in this Act. In fulfillment of their obligation to adopt and implement policies, procedures and protocols for the implementation of this Act and that address the issues set forth in this Act, school districts may adopt and implement the model policies, procedures, and protocols developed by the statewide working group.

School districts that do not adopt and implement the model policies, procedures, and protocols developed by the statewide working group shall convene a local working group to recommend policies, procedures, and protocols for the implementation of this Act and that address the issues set forth in this Act, which they may then adopt and implement as rules consistent with State Law.

***NOTE:*** *Research the laws in your state to ensure that local school districts have the authority to adopt the policies, procedures and protocols necessary for the implementation of this Act.*

**SECTION 1008. STATEWIDE WORKING GROUP COMPOSITION AND COMPENSATION**

Members of the statewide working shall be appointed no later than 60 days after the effective date of this Act. The statewide working group shall be comprised of at least 20 members but no more than 35 members and shall be representative of the geographic, racial, ethnic, and cultural diversity of the State. At minimum, the statewide working group shall consist of the following:

- (a) two or more representatives of domestic violence organizations;
- (b) two or more representatives of sexual violence organizations;
- (c) two or more teen parent advocates or service providers;
- (d) a school social worker;
- (e) a school psychologist;
- (f) a school counselor;
- (g) a representative of a statewide professional teachers' organization;
- (h) a representative of a different statewide professional teachers' organization;
- (i) a school management representative;
- (j) a youth services provider;
- (k) an alternative education service provider;
- (l) a representative from a regional office of education;
- (m) a truancy intervention services provider;

(n) two or more parents or guardians of students who are expectant parents, parents, or victims of domestic or sexual violence and who are directly affected by the issues, problems and concerns of the working group and who agree to volunteer to participate in the working group consistent with the following:

The parents or guardians appointed to comply with this Section shall not be employed by or administratively connected with any school system or institution of higher learning in **[State]**, employed by any educational collective bargaining organization within **[State]**, employed by any association of school boards or school administrative officers, employed by the State Board of Education, or members of any school board or board of school trustees of any public or private school, college, university, or technical institution within **[State]**

and

(o) two or more students who are expectant parents, parents, or victims of domestic or sexual violence affected by the issues, problems and concerns of the working group and who agree to volunteer to participate in the working group.

In addition, the Chair of the Board of Education, the Secretary of Human Services, the Director of Children and Family Services, and the Director of Public Health **[or comparable heads of state agencies]** or their designees shall participate in the statewide working group.

Members of the statewide working group shall receive no compensation for their participation in the working group, but shall be reimbursed by the State Board of Education for expenses in connection with their participation, including travel. The State Board of Education shall provide all necessary logistical support to the statewide working group.

**SECTION 1009. DATE OF ISSUANCE.**

The statewide working group shall issue its model policies, procedures and protocols, and the State Board of Education shall publish these model policies, procedures, and protocols on its Internet website no later than six months from the enactment of this Act.

**SECTION 1010. LOCAL WORKING GROUP COMPOSITION.**

School districts that convene a local working group shall ensure that the local working group is comprised of the following at minimum:

- (1) two or more representatives of domestic violence organizations;
- (2) two or more representatives of sexual violence organizations;
- (3) two or more representatives of teen parent advocacy or service organizations;
- (4) a local school social worker, if school social workers are employed by the school district;
- (5) a local school psychologist, if school psychologists are employed by the school district;

- (6) a local school counselor, if school counselors are employed by the school district;
- (7) a representative of the local professional teachers' organization;
- (8) a representative of a different local professional teachers' organization, if any;
- (9) a local school board member;
- (10) one or more youth services providers;
- (11) a local alternative education service provider;
- (12) a truancy intervention services provider;
- (13) two or more parents or guardians of students who are expectant parents, parents, or victims of domestic or sexual violence and who are directly affected by the issues, problems and concerns of the working group and who agree to volunteer to participate in the working group consistent with the following:

The parents or guardians appointed to comply with this Section shall not be employed by or administratively connected with any school system or institution of higher learning in **[State]**, employed by any educational collective bargaining organization within **[State]**, employed by any association of school boards or school administrative officers, employed by the State Board of Education, or members of any school board or board of school trustees of any public or private school, college, university, or technical institution within **[State]**

and

(14) two or more students who are expectant parents, parents, or victims of domestic or sexual violence affected by the issues, problems and concerns of the working group and who agree to volunteer to participate in the working group.

**SECTION 1011. EFFECTIVE DATE.**

School districts shall either adopt and make effective the model policies, procedures, and protocols promulgated by the statewide working group or develop, adopt, and make effective their own policies, procedures, and protocols no later than one year from the enactment of this Act.

**SECTION 1012. STATEWIDE WORKING GROUP RECOMMENDATIONS**

The statewide working group, in addition to developing and recommending policies, procedures and protocols that school districts may adopt for implementation of this Act consistent with the minimum requirements set forth in Section 1006, shall also investigate and make recommendations to the State Board of Education and the General Assembly for any changes to state law or regulation necessary for the implementation of this Act.

***NOTE:** Some policies, procedures and protocols necessary to ensure success in school may be best addressed in the form of recommendations for subsequent policy, law or rule-making because they require a great deal of technical expertise or lengthier research prior to enactment. Consider charging the statewide working group with issuing recommendations for future legislative enactment or state agency rulemaking on these and any other issues that your coalition is unable to address through the legislative process.*

## **Subtitle C—School enrollment**

### **SECTION 1013. IMMEDIATE ENROLLMENT AND REENROLLMENT.**

(1) **GENERAL**—School districts must immediately enroll or reenroll in school any youth below age 21 who is an expectant parent, parent, or victim of domestic or sexual violence even if the youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of immunization, proof of residency, or other documentation.

(2) **OBTAINING RECORDS**—The enrolling school shall immediately contact the school last attended by the youth to obtain relevant academic and other records.

(3) **MEDICAL REQUIREMENTS FOR ENROLLMENT**—If the youth needs to obtain immunizations, health examinations, or immunization or medical records, the enrolling school shall assist the youth in obtaining necessary immunizations, health examinations, or immunization or medical records.

(4) **SPECIAL EDUCATION STUDENTS**—Youth who are expectant parents, parents, or victims of domestic or sexual violence who were previously enrolled in a special education program and who seek to reenroll in school must be immediately reenrolled into the type of school listed on their most recent Individual Education Plan (IEP) even if the IEP is no longer valid.

(5) **ENROLLMENT AND REENROLLMENT: EXPECTANT AND PARENTING STUDENTS**—No youth may be denied enrollment or reenrollment for absences or tardiness accrued due to circumstances related to the youth's pregnancy and related conditions or the

fulfillment of the youth's parenting obligations. Such absences include but are not limited to missed school: for pregnancy-related conditions and medical appointments, to care for a sick child, to attend medical appointments and well-baby visits for the youth's child(ren), due to child care related problems, and due to homelessness caused by the youth's status as an expectant parent or parent.

(6) ENROLLMENT AND REENROLLMENT: DOMESTIC OR SEXUAL VIOLENCE

VICTIMS—No youth may be denied enrollment or reenrollment under this Section for absences or tardiness accrued due to circumstances related to the youth's status as a victim of domestic or sexual violence. Such absences include but are not limited to missed school: to attend court dates and medical appointments, to obtain legal consultation, to receive counseling services, to recover from physical or mental health complications arising from domestic or sexual violence, and due to homelessness caused by the youth's status as a victim of domestic or sexual violence.

**SECTION 1014. SPECIAL ATTENTION TO YOUTH NOT IN SCHOOL.**

Special attention shall be given to ensuring the enrollment and attendance of youth who are expectant parents, parents, or the victims of domestic or sexual violence who are not currently attending school. If a school or school district is aware or suspects that a former student is an expectant parent, parent, or victim of domestic or sexual violence and such former student is not currently attending school, school district personnel shall attempt to contact the former student, advise the former student of his or her right to reenrollment and work to remove barriers to enrollment, attendance and success.

Coordination and outreach efforts shall be conducted to ensure the enrollment and attendance of such youth in school. Schools and school districts shall coordinate with and conduct outreach to organizations and agencies where youth who are expectant parents, parents, or victims of domestic or sexual violence typically receive services in the community, including but not limited to public and private, state, local, and community-based organizations and agencies serving youth who are expectant parents, parents, or victims of domestic or sexual violence, legal services providers, housing and shelter providers, health care providers, and hospitals. Schools and school districts shall utilize existing truancy resources or other resources to facilitate enrollment and attendance of youth and to provide services to youth who are expectant parents, parents, or victims of domestic or sexual violence who are not currently attending school.

**SECTION 1015. SCHOOL TRANSFER.**

***NOTE:** Granting school transfer to youth on the basis of needs stemming from status as an expectant parent, parent, or the victim of domestic or sexual violence may require an amendment to existing state law. The following section amends several provisions of Illinois law.*

While school stability and continuous instruction are important to educational success, school transfer may be necessary: (1) to accommodate safety concerns arising out of domestic or sexual violence; (2) to accommodate parenting youths' child care needs; and (3) to comply with state and federal law, including the McKinney-Vento Homeless Assistance Act, 42 U.S.C.S. §§ 11431 *et seq*, as needed when a youth becomes homeless because of status as an expectant parent or parent or as a result of domestic or sexual violence.

For some youth, transferring schools may impede recovery from domestic or sexual violence and/or inhibit school success. Eligible youth may choose to transfer schools but shall not be required to do so.

(1) TRANSFERS—School transfers shall be permitted as set forth below:

(a) **Safety.** A youth who is a victim of domestic or sexual violence, regardless of whether the youth's perpetrator has been criminally charged or convicted, and regardless of whether the incident occurred on school grounds during regular school hours or during a school-sponsored event, shall be permitted to transfer schools immediately and as needed, including to another school district, if the youth's continued attendance at a particular school facility or location poses a risk to his or her safety. Transportation to any new school shall be arranged as set forth below.

(b) **Child care.** A parenting youth in need of child care shall be permitted to transfer to another school in the same district as the previous school if such transfer facilitates a parenting youth's drop-off and pick-up of that youth's child from child care, nursery school, pre-school, or a parenting program, or otherwise facilitates a parenting youth's ability to continue to attend school while fulfilling parenting responsibilities. Transfer for child care related reasons shall be permitted if:

- (i) the youth's travel time from home to child care and then directly to the youth's school exceeds sixty (60) minutes;
- (ii) the youth states that there is no safe, appropriate, available or affordable child care alternative that would reduce travel time; and,
- (iii) the youth provides a letter from his or her child's child care provider stating that the child is receiving or has been accepted to receive child care services.

Transportation to any new school shall be arranged as set forth below.

(c) **Homelessness.** A youth who becomes homeless as a result of domestic or sexual violence, or because of a youth's status as a parent or expectant parent, shall be entitled to choice of schools, immediate enrollment, transportation and other rights as set forth in state and federal law, including the McKinney-Vento Homeless Assistance Act, 42 U.S.C.S. §§ 11431 *et seq.*, and the Education for Homeless Children Act, 105 ILL. COMP. STAT. § 45/1-5.

(2) MAINTAINING GOOD ACADEMIC STANDING—When possible, transferring youth shall be afforded accommodations to ensure school completion and enjoyment of the youth’s prior academic standing, such as extra time to complete missed course work, assignments, and tests.

(3) TRANSPORTATION EXPENSES—Youth who have transferred schools as set forth above because of domestic or sexual violence-related safety concerns, or in order to accommodate child care needs, shall have their transportation expenses provided for, arranged, or reimbursed in a manner to ensure no disruption in school attendance.

(a) Youth who have transferred to a new school within the same school district shall have their transportation expenses to and from the new school provided for, arranged, or reimbursed by the school district in a manner that ensures no disruption in school attendance.

(b) Youth who continue to reside in the attendance area of their previous school district but who have transferred to a new school in a new school district shall have their transportation expenses to and from the new school provided for, arranged, or reimbursed as determined by the previous school district and the new school district in a manner to ensure no disruption in school attendance. If the previous school district and the new school district are unable to agree on how to apportion the transportation costs, the costs shall be divided equally between both districts.

(c) If a youth transfers out of his or her previous school district and no longer resides in the previous school district, and if the youth does not reside in the

attendance area of the school district to which he or she has transferred, the school district to which the youth transferred and the school district in which the youth currently resides shall determine how to provide for, arrange, or reimburse the youth's transportation expenses in a manner to ensure no disruption in school attendance. If the school district in which the youth attends school and the school district in which the youth resides cannot agree on how to apportion the transportation costs, the costs shall be divided equally between both districts.

(d) All transportation costs shall be assessed in a manner consistent with the requirements of state law. School districts paying transportation expenses shall be eligible for reimbursement for such expenses through the method set forth in state law.

(4) TUITION—School districts shall waive tuition for youth who transfer out of a previous school district into a school district in which the youth is a nonresident to accommodate safety concerns arising out of domestic or sexual violence, child care needs, or due to homelessness as the result of their status as an expectant parent, parent, or the victim of domestic or sexual violence.

## **Subtitle D—School attendance**

### **SECTION 1016. VALID CAUSE FOR ABSENCES; MINIMUM ATTENDANCE.**

While school attendance is important for the successful and meaningful completion of school, in some circumstances youth who are expectant parents, parents, or victims of domestic or sexual violence may be required to miss school.

(1) VALID CAUSE FOR ABSENCES—The term “valid cause” for absences shall include: attendance at pregnancy-related medical appointments; fulfillment of the student’s parenting responsibilities including but not limited to arranging child care, caring for the student’s sick child or children, and attending medical appointments for the student’s child or children; and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent or the student for the safety or health of the student, for example addressing circumstances resulting from domestic or sexual violence.

(2) MINIMUM ATTENDANCE REQUIREMENTS—Youth who are expectant parents, parents, or victims of domestic or sexual violence shall be exempt from minimum attendance requirements for absences related to expectant parenting, parenting, or domestic or sexual violence, but, with the assistance of school officials and designed to ensure the youth’s success, shall make up work missed due to absence within a reasonable time as set forth in Section 1022 below.

**SECTION 1017. HOME/HOSPITAL INSTRUCTION.**

The School Code shall be amended to provide by home instruction, correspondence courses, the use of technology or otherwise courses of instruction for students who are unable to attend school because of pregnancy and pregnancy related conditions, fulfillment of parenting obligations related to the health and safety of the student's child, or because of circumstances related to domestic or sexual violence.

(a) Such instruction shall be provided to the student:

(1) before the birth of the child when the student's health care provider has indicated to the district, in writing, that the student is medically unable to attend regular classroom instruction;

(2) for up to 3 months following the birth of the child or a miscarriage;

(3) for as long as needed to care for the student's ill child when the child's health care provider has indicated to the district in writing that the student is needed to provide care to the sick child and the student and/or the school are unable to arrange alternative child care; and

(4) for as long as needed to treat physical or mental health complications arising from domestic or sexual violence when the student's domestic or sexual violence service or health care provider has indicated, to the district, in writing, that such care is needed.

(b) **Equivalent Educational Experience.** Home/hospital instruction shall offer an equivalent educational experience to that given to students at the same grade level in the district and that is designed to enable the student to return to the regular education program. The State Board of Education shall adopt rules and regulations to ensure that

students receiving home or hospital instruction obtain services that are equivalent to those received by students in the classroom.

(b) **No Penalties.** Notwithstanding the provisions of any law to the contrary, if a student is unable to attend regular classes because of the reasons set forth above, and if the student has participated in a program of hospital or home instruction administered by the school district, then the student shall not be penalized for grading purposes nor be denied course completion, grade level advancement, or graduation solely on the basis of the student's absence from the regular classroom during the period of such hospital or home instruction.

(c) **Notice of Right.** School district employees and agents shall inform students of their right to participate in the home/hospital instruction program.

#### **SECTION 1018. CHRONIC OR HABITUAL TRUANTS AND MINORS.**

Notwithstanding any other provision in state law, youth who are expectant parents, parents, or victims of domestic or sexual violence shall not be considered chronic or habitual truants or truant minors because of one or more absences caused by status as an expectant parent, parent, or victim of domestic or sexual violence.

Such absences include but are not limited to absences due to a youth's illness or the illness of a youth's child; attendance at a youth's pregnancy-related medical appointments; fulfillment of a youth's parenting responsibilities; or receipt of services for domestic or sexual violence including counseling, health services and legal advocacy. Parenting responsibilities include but are not limited to arranging for child care, caring

for a youth's sick child, and attending medical appointments for a youth's child or children.

Youth who are expectant parents, parents, or the victims of domestic or sexual violence shall nevertheless be eligible to participate in or receive supportive services and available resources designed to address absenteeism and truancy as established by school districts and the State Board of Education pursuant to State law.

## **Subtitle E—School success**

### **SECTION 1019. IN SCHOOL SUPPORT SERVICES**

If a youth who is a parent, expectant parent, or a victim of domestic or sexual violence is at risk of academic failure and/or displaying poor academic performance, school districts shall provide the youth with the education and support services needed to meet Illinois Learning Standards and to complete his or her education in a safe, secure and encouraging learning environment. Such services shall be designed and integrated to assist the youth in improving his or her academic performance. **[Reference state benchmarks, if possible.]**

(1) Support services shall include but not be limited to: case management services; mentoring; safety accommodations; individualized psychological and other mental health services; individual, peer, group, and family counseling; individualized and flexible instruction and scheduling; alternative learning environments and strategies, including home-based learning and independent study; home/hospital instruction; career, family, and child development classes; and, any other social, health, or supplemental service.

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

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

(4) The above services shall be available to youth receiving education and support services in any school as defined in this Act or by home/hospital instruction.

(5) Individual, peer, group, and family counseling services or psychotherapy shall be available consistent with the provisions of 405 ILL. COMP. STAT. § 5/3-501.

*NOTE: Some states regulate mental health, counseling and psychotherapy services for minors. Research state law to ensure compliance.*

#### **SECTION 1020. IN-SCHOOL ACCOMMODATIONS.**

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

Where a requested or proposed accommodation for a student would infringe upon an alleged perpetrator's employment or education rights, the alleged perpetrator must be informed of the allegation before the accommodation is made. However, prior to informing the alleged perpetrator of the student's allegation, the school must first obtain the written consent of the student or of the student's parent or guardian. If the student or

the student's parent or guardian refuses consent the accommodation request will be denied. In such cases, the perpetrator, the perpetrator's family or any other person named by the student or the student's parent or guardian as unsafe to contact shall not be informed of the allegation. When the student or the student's parent or guardian does not provide such written permission, the school district shall grant accommodations that would not infringe upon the alleged perpetrator's employment or education rights when necessary to promote the safety of the student victim.

(1) REASONABLE ACCOMMODATIONS AND ADJUSTMENTS—to be implemented on a case by case basis, shall include but not be limited to: special hall passes for frequent bathroom use; trash receptacles for illness; elevator access when necessary and possible; drinks and snacks in class; additional time for class changes and getting lunch; exceptions to and/or leniency in school uniform and dress code policy; change of physical desk size; special consideration during gym, physical education, or other classes that may require strenuous physical exertion; sufficiently private settings and time off for meetings with counselors or other service providers; transfer of the youth or the student perpetrator to a different classroom; change of seating assignment; implementation of an in-school safety procedure; honoring any orders of protection or civil no contact orders; and, any other accommodation that may facilitate the youth’s participation in school.

(2) VOLUNTARY PARTICIPATION—Schools shall honor a youth’s decision to obtain the above in-school accommodations, to terminate the receipt of such accommodations, or to decline participation in such accommodations. No youth shall be obligated to use the above accommodations.

**SECTION 1021. NON-SCHOOL BASED SUPPORT SERVICES.**

School districts shall assist youth who are expectant parents, parents, or victims of domestic or sexual violence in accessing the support services of non-school based organizations and agencies where such youth typically receive services in the community, including but not limited to public and private, state, local, and community-based organizations and agencies serving youth who are expectant parents, parents, or the

victims of domestic or sexual violence, legal services providers, housing and shelter providers, health care providers, hospitals, and child care providers and/or child care referral organizations.

Schools shall honor a youth's decision to obtain the above non-school based support services, to terminate the receipt of such services, or to decline participation in such services. No youth shall be obligated to use the above non-school based support services.

**SECTION 1022. MISSED CLASS AND WORK**

It shall be the responsibility of the teachers and of school administrative personnel and officials to provide for the integration of youth who are expectant parents, parents, or victims of domestic or sexual violence into the regular education program as much as possible. Any youth who is unable, because of circumstances related to the youth's pregnancy and related conditions, the fulfillment of the youth's parenting obligations, or the youth's status as an expectant parent, parent, or victim of domestic or sexual violence, to participate in classes on a particular day or days or at a particular time of day shall be excused from any examination or any study or work assignments on such particular day or days or at such particular time of day.

It shall be the responsibility of the teachers and of the school administrative personnel and officials to make available to each youth who is unable to participate because of circumstances related to the youth's status as an expectant parent, parent, or victim of domestic or sexual violence a meaningful opportunity to make up any examination, study or work requirements which he or she has missed because of such inability to participate on any particular day or days or at any particular time of day.

(1) Youth may be required to make up missed work by participating in the following activities: instruction before and after school, evening and weekend classes, summer courses or extended-year programs, home/hospital instruction, community college credit towards graduation, Internet or other correspondence courses, tutoring, independent study or home-based learning, individual completion of lesson plan, or other alternative learning programs.

(2) Costs assessed by a school district on youth for participation in such programs shall be considered waivable fees for any youth whose parents or guardians are unable to afford them consistent with the provisions of 105 ILL. COMP. STAT. § 5/10-20.13. School districts shall adopt written policies and procedures for waiver of such fees in accordance with regulations promulgated by the State Board of Education.

**[Reference state law equivalent, if possible.]**

(3) No adverse or prejudicial effects shall result to any youth because of his or her availing himself or herself of the provisions of this Section.

#### **SECTION 1023. STUDENT SUCCESS PLAN.**

Upon request of a youth who is an expectant parent, parent, or victim of domestic or sexual violence and/or the youth's parent or guardian, school officials shall assist the youth in developing a student success plan based on an assessment of the youth's educational and social functioning and skills. The Student Success Plan shall establish goals and objectives for satisfactory performance with the assistance of the above support services and shall specify how the school will assist the youth in making up missed work. A youth's failure to comply with components of the Student Success Plan that create non-

academic responsibilities and obligations shall not be the basis for any subsequent disciplinary action against the youth or punitive academic measures against the youth.

**SECTION 1024. RESPONSIBILITY TO INFORM YOUTH OF AVAILABLE SERVICES AND ACCOMMODATIONS.**

When a school or school district employee or agent becomes aware of or suspects a youth's status as an expectant parent, parent, or victim of domestic or sexual violence, it is the responsibility of the employee or agent of the school and/or school district to inform the youth of the available services and accommodations at school and in the community that may assist the youth in maintaining his or her full educational participation and his or her successful performance. The school or school district employee or agent shall also refer the youth to the school district's specially trained personnel as set forth in Section 1003 of this Act, and consistent with the school district's policy for referring students to the specially trained personnel. Respecting youth privacy, confidentiality and safety shall be the paramount concern.

**SECTION 1025. STAFF DEVELOPMENT AND OUTREACH; IN-SERVICE TRAINING.**

(1) **STAFF DEVELOPMENT AND OUTREACH**—School districts shall provide staff development and conduct outreach into the school community in order to establish a positive and sensitive learning environment and school policies supportive of the academic achievement of youth who are expectant parents, parents, or victims of domestic or sexual violence.

(2) **IN-SERVICE TRAINING**—At least once every two years, an in-service training program for school personnel shall be conducted by persons with expertise in

domestic and sexual violence and the needs of expectant and parenting youth and shall include training concerning:

(i) communicating with and listening to youth who are expectant parents, parents, or victims of domestic or sexual violence;

(ii) connecting youth who are expectant parents, parents, or victims of domestic or sexual violence to appropriate in-school services and other agencies, programs, and services as needed; and

(iii) implementing the school district's policies, procedures, and protocols with regard to such youth.

At minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to youth who are expectant parents, parents, or the victims of domestic or sexual violence.

**SECTION 1026. EXPULSION BECAUSE OF GROSS DISOBEDIENCE.**

*NOTE: This section amends the sections in the Illinois School Code that deal with expulsion.*

Recognizing that some instances of suspension or expulsion from school due to gross disobedience or misconduct may arise due to a youth's status as an expectant parent, parent, or victim of domestic or sexual violence, the School Code is amended as follows:

(1) When a pupil is faced with either (i) suspension from school due to gross disobedience or misconduct, or suspension from riding the school bus due to gross

disobedience or misconduct on the school bus as provided in this subsection of the School Code, or (ii) expulsion due to gross disobedience or misconduct as provided in this subsection of the School Code, and where there is a relationship between the behavior that gives rise to the suspension or expulsion proceedings and the pupil's status as an expectant parent, parent, or victim of domestic or sexual violence, the suspension or expulsion requirement may be modified by the superintendent on a case-by-case basis. This provision shall not apply to situations in which the pupil who faces suspension or expulsion is the primary aggressor in a relationship with a history of domestic or sexual violence.

(2) An advocate of the pupil's choice shall be permitted to consult with the decision-making body whenever there is evidence that the pupil's status as an expectant parent, parent, or victim of domestic or sexual violence may be the cause for expulsion or suspension.

(3) School districts must include a provision in discipline proceedings allowing for consideration of a student's status as an expectant parent, parent or victim of domestic or sexual violence as a factor in reviews during the disciplinary period.

# TITLE II—ENFORCEMENT; TRACKING

## Subtitle A—Enforcement

### SECTION 2001. PROCEDURAL SAFEGUARDS; OMBUDSPERSON.

The State Board of Education, all Illinois school districts, and all Illinois schools covered by this Act shall establish and maintain rules, regulations and procedures in accordance with this section to ensure that youth who are expectant parents, parents, or victims of domestic or sexual violence and/or their parent(s), guardian(s), attorneys and/or advocates possess procedural safeguards in order to enforce the rights enumerated in this Act. The involvement of parent(s) and/or guardian(s) in enforcing the rights of youth in their custody or care who are expectant parents, parents, or victims of domestic or sexual violence shall be subject to the limitations set forth in Section 1004 of this Act.

(1) OMBUDSPERSON—Each regional superintendent of schools [**or state equivalent**] shall act as an ombudsperson to resolve disputes relating to the rights of youth who are expectant parents, parents, or victims of domestic or sexual violence under this Act.

(2) PROCEDURES REQUIRED—shall include:

(a) Procedures to allow:

(i) parent(s) and/or guardian(s) to protect the rights of youth who are expectant parents, parents, or victims of domestic or sexual violence in their custody under this Act;

(ii) youth age 17 or older who are expectant parents, parents, or victims of domestic or sexual violence to protect their own rights under this Act;

(iii) youth age 12 or older and under the age of 17 who are expectant parents, parents, or victims of domestic or sexual violence to protect their own rights where (1) the youth has demonstrated that his or her health or safety would be threatened if the youth were to reveal his or her status as an expectant parent, parent, or a victim of domestic or sexual violence to any parent(s) and/or guardian(s), or (2) where the parent(s) and/or guardian(s) of the youth are aware of the youth's status as an expectant parent, parent, or a victim of domestic or sexual violence, but will not cooperate with the youth to protect the youth's rights under this Act;

(iv) unaccompanied youth who are expectant parents, parents, or victims of domestic or sexual violence to protect their own rights under this Act; and

(v) attorneys or advocates working with youth who are expectant parents, parents, or victims of domestic or sexual violence to protect the rights of such youth under this Act.

(b) an opportunity for parent(s), guardian(s), youth, attorneys and/or advocates to review all records relating to youth who are expectant parents, parents, or victims of domestic or sexual violence and to participate in

meetings, appeals, and/or court proceedings to protect the youth's rights under this Act, subject to the limitations set forth in Section 1004 of this Act.

(c) procedures to ensure that all notices and written communications are available in the native language of the youth or his or her parent(s) or guardian(s) if they are not proficient in English.

(d) procedures to ensure that a qualified and impartial interpreter is available for all proceedings.

(e) procedures creating an opportunity to present complaints to an ombudsperson with respect to any matter relating to the enforcement of the rights of youth who are expectant parents, parents, or victims of domestic or sexual violence enumerated in this Act.

(3) DISPUTE RESOLUTION PROCEDURES—If a dispute arises under this Act, the following procedures shall be followed:

(a) **Prior written notice.** Youth who are expectant parents, parents, or victims of domestic or sexual violence, and their parents or guardians when appropriate, shall be provided with prior written notice before the school or school district takes adverse action, such as disenrollment, suspension, expulsion, or termination of services, against such youth. Prior written notice must include:

- (i) A description of the action proposed by the school or school district and the reasons for such action;
- (ii) A statement of rights under this Act and the procedural safeguards available to enforce these rights;
- (iii) Referrals for sources of low cost or free legal assistance and other advocacy services in the community.

(b) Within 10 days of school or school district notification of such dispute, parties to the dispute shall be referred by the school or school district to an ombudsperson for resolution of such dispute.

(c) Within five days of notification of such dispute, the ombudsperson shall convene a meeting to resolve such dispute where all parties to the dispute shall be present. The ombudsperson shall issue a written decision within ten days of such meeting.

(d) All parties to the dispute shall be able to appeal any decision by the ombudsperson to the State Board of Education within thirty (30) days of the decision by the ombudsperson. The State Board of Education shall conduct an impartial review of such decision within ten days of a request for such review. The officer conducting such review shall make an independent, written decision upon completion of such review, but no later than thirty (30) days from the date of the filing of the request for review.

(e) **Judicial review.** Any party to a dispute under this Act may file a civil action in a court of competent jurisdiction to seek all appropriate relief within thirty-five (35) days from the date that a copy of the State Board of Education's written decision was received by that party. In any civil action, a party whose rights under this Act are found to have been violated shall be entitled to recover reasonable attorney's fees and costs.

(f) **Educational Placement During Pendency of Proceedings.** During the pendency of proceedings under this section, youth who are expectant parents, parents, or victims of domestic or sexual violence:

(i) shall be immediately admitted to the school in which enrollment is sought where such youth are seeking enrollment, reenrollment, or transfer based on safety concerns, homelessness, or child care needs;

(ii) shall remain in the current educational placement where the school is seeking to disenroll such youth;

(iii) shall receive transportation assistance where such assistance is sought based on safety concerns, homelessness, or child care needs.

## **SECTION 2002. NOTICE OF RIGHTS**

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

(2) Each school district shall include a statement of all the rights and availability of services and educational options for youth who are expectant parents, parents, or victims of domestic or sexual violence, in bulletins prominently displayed in schools. In addition, school districts should publicize all the rights and availability of services

and educational options for youth who are expectant parents, parents, or victims of domestic or sexual violence in other places where such youth typically receive services in the community, including but not limited to public and private, state, local, and community-based organizations and agencies serving youth who are expectant parents, parents, or victims of domestic or sexual violence, legal services providers, housing and shelter providers, health care providers, and hospitals.

(3) The statement of rights shall also include the list of procedural safeguards provided in this Act.

(4) The written notice of such educational rights shall be included in any policy manuals, employee and student handbooks, or other written documentation distributed by the school district.

(a) School districts shall distribute physically written notice of such educational rights to youth: (1) at the beginning of each school year; (2) at the time of transfer or withdrawal from school; (3) at the time the school learns of the youth's status as an expectant parent, parent, or victim of domestic or sexual violence; and (4) at the time of any adverse action, including but not limited to disenrollment, suspension, and expulsion.

(b) Written notice of such educational rights shall be physically distributed to parents and employees at the beginning of each school year; shall be available at all times from the school district's administrative offices; and shall be posted at all times on the school district's Internet website, if any.

## Subtitle B—Tracking

### SECTION 2003. DROPOUT AND GRADUATION RATES.

Each school district shall separately identify and report on the dropout and graduation rates of expectant and parenting students as a subset of the district’s dropout and graduation rates that are made public pursuant to **State** law. School districts shall include within their dropout and graduation rates the dropout and graduation rates of expectant and parenting students who attend schools operated pursuant to an agreement with any “school” as defined in Section 4 of this Act.

(1) TRANSFER STUDENTS. Schools and school districts shall separately track the transfer rates of students who are expectant parents or parents. The transfer rate for students who are expectant parents or parents shall be reported and made public along with the dropout and graduation rates that are reported pursuant to **State** law.

*NOTE: There is considerable controversy over how to count and measure accurately high school dropout and graduation rates. At minimum, school districts should include in their reported statistics data for youth who have transferred from public schools to alternative schools, charter schools or special schools for pregnant and parenting youth operated by or in coordination with public school districts.*

### SECTION 2004. TRUANT DATA COLLECTION

Schools and school districts shall separately identify and report on the number of truant, chronic truant, and truant minor pupils in their regions or school districts who are expectant parents or parents.

## **TITLE III—MISCELLANEOUS**

### **SECTION 3001. REVIEW AND REVISION OF POLICIES.**

School districts shall review and revise any existing policies that may act as barriers to the enrollment, attendance, and success in school of any youth who are expectant parents, parents, or victims of domestic or sexual violence. In addition, at least once every two years school districts shall review and revise all existing policies to ensure that none act as barriers to the enrollment, attendance, and success in school of any youth who are expectant parents, parents, or victims of domestic or sexual violence.

School districts shall adopt new policies to implement the provisions of this Act consistent with Subtitle B of Title I of this Act.

### **SECTION 3002. OTHER OBLIGATIONS UNAFFECTED.**

Nothing in this Act shall limit the obligations of school districts under federal law and state law.

### **SECTION 3003. SEVERABILITY.**

If any provision of this Act or the application of such provision to any person or circumstance is held to be in violation of the United States Constitution or Illinois Constitution, the remainder of the provisions of this Act and the application of those provisions to any person or circumstance shall not be affected.