

Students

Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence¹

Domestic and sexual violence affect a student's ability to learn. Students who are parents or expectant parents have unique needs. Providing support services that enable students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) to succeed in school are important District goals and required by 105 ILCS 5/26A (Article 26A).

The Superintendent or designee shall develop and implement a program for supporting Article 26A Students that:

1. Distributes this policy and procedures for requesting supportive services or filing a complaint to all students at the beginning of each school year.²
2. Ensures at least one staff member in each school building is designated as a resource person for Article 26A Students (Article 26A Resource Person) and receives training in accordance with 105 ILCS 5/26A-35.³
3. Notifies all District employees and agents that, upon learning or suspecting that a student is a parent, expectant parent, or victim of domestic or sexual violence, they must refer the student to a designated Article 26A Resource Person.⁴
4. Ensures any employees whose duties include the resolution of Article 26A complaints receive training in accordance with 105 ILCS 5/26A-25(b)(1).⁵

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law requires this subject matter be covered by policy. 105 ILCS 5/26A, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. An *expectant parent* is a student who (i) is pregnant and (ii) has not yet received a diploma for completion of a secondary education as defined in 105 ILCS 5/22-22. Id. at 5/26A-10.

105 ILCS 5/2-3.147, added by P.A. 95-558 and repealed by P.A. 99-30, created the first Ensuring Success in School (ESS) Task Force. Supervised by the Ill. State Board of Education (ISBE), it developed policies, procedures, and protocols for school boards to adopt to address the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence; the goal was to encourage these students to stay in school, stay safe while in school, and successfully complete their education. The June 2010 report of the first ESS Task Force is available here: www.isbe.net/Documents/ess-task-force-final-report0610.pdf. 105 ILCS 5/26A-15, added by P.A. 102-466 (a/k/a *ESS Law*) and scheduled to be repealed on 12-1-25, created a second ESS Task Force supervised by ISBE, also focused on the education and related needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The second ESS Task Force was to: (1) draft and publish model policies and intergovernmental agreements for inter-district transfers, (2) draft and publish model complaint resolution procedures, and (3) identify current mandatory and new staff trainings needed. The June 2024 report of the second ESS Task Force is available here: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf.

² 105 ILCS 5/26A-20(d), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

³ See f/n 25 in sample policy 5:100, *Staff Development Program*, and sample administrative procedure 7:255-API, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, for further information about training requirements.

⁴ 105 ILCS 5/26A-40(e), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. *Agents* is not defined and who is considered an agent for the district is fact-specific; consult the board attorney for guidance.

⁵ See f/n 3, above.

5. Requires verification of a student's claim of Article 26A status relating to domestic or sexual violence in accordance with 105 ILCS 5/26A-45.⁶
 6. Provides Article 26A Students with in-school support services, information about non-school-based support services, and the ability to make up work missed due to circumstances related to the student's Article 26A status in accordance with 105 ILCS 5/26A-40.⁷
 7. Ensures the prompt and equitable resolution of all Article 26A complaints through a complaint resolution procedure that fully complies with 105 ILCS 5/26A-25.⁸
 8. Ensures that all information concerning an Article 26A Student's status and related experiences, or information concerning a student who is a named perpetrator of domestic or sexual violence, provided to or otherwise obtained by the District or its employees or agents pursuant to 105 ILCS 5/26A is retained in a confidential temporary file in accordance with 105 ILCS 10/2(f).⁹
- Confidentiality procedures will:¹⁰
- a. Provide that such information may not be disclosed to any other individual outside of the District, including any other employee, except if such disclosure is: (1) permitted by the Ill. School Student Records Act (105 ILCS 10/), the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g), or other applicable State or federal laws; or (2) requested or consented to, in writing, by the Article 26A Student or their parent/guardian if it is safe to obtain written consent from the parent/guardian; and
 - b. Comply with the requirements of 105 ILCS 5/26A-30.

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⁶ 105 ILCS 5/26A-45, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. See detailed verification requirements and restrictions in sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

⁷ 105 ILCS 5/26A-40, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. Providing accommodations to ensure equal educational opportunities for students who are parents and expectant parents is also required by federal regulations implementing Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. §1681 et seq.) and ISBE sex equity regulations. 34 C.F.R. §106.40 and 49 C.F.R. §25.445; 23 Ill.Admin.Code §200.50. See sample policy 7:10, *Equal Educational Opportunities*, and sample administrative procedure 7:10-AP2, *Accommodating Breastfeeding Students*. Reasonable accommodations for breastfeeding students are also required by 105 ILCS 5/10-20.60.

⁸ 105 ILCS 5/26A-25 and 5/26A-20(c), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, list the basic requirements for a complaint resolution procedure. Live hearings are not required but may be offered as part of the complaint resolution procedure. **Consult the board attorney if the board wants the district to use a live hearing in its complaint resolution procedure.** For an Article 26A complaint resolution procedure, see sample administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*. See also sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

⁹ 105 ILCS 5/26A-45(a), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. The *ESS Law* amended the definition of *student temporary record* in the Ill. School Student Records Act (ISSRA) (105 ILCS 10/) to include information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A. 105 ILCS 10/2(f), amended by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

¹⁰ Required by 105 ILCS 5/26A-30, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. The policy text is based on recommendations of the second ESS Task Force. See p. 14 of the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf. The phrase "including any other employee" comes directly from 105 ILCS 5/26A-30(a) and is confusing because it is unclear whose employee is being referenced. ISSRA permits student records to be disclosed to any district employees with a "current demonstrable educational or administrative interest" in a student if disclosure is "in furtherance of such interest." 105 ILCS 10/6(a)(2). **Consult the board attorney for guidance.**

9. Ensures that in the event an Article 26A Student or their parent/guardian reports an incident of alleged domestic or sexual violence, the District's procedures comply with 105 ILCS 5/26A-20(c). ¹¹
10. Complies with State and federal law and aligns with Board policies. ¹²

Requesting Support Services

An Article 26A Student and/or their parent/guardian may request support services under this policy by contacting the building-level Article 26A Resource Person, whose name and contact information will be annually distributed to employees, students, and parents/guardians by each Building Principal.

Filing a Complaint

An Article 26A Student and/or their parent/guardian may file a complaint under this policy with the Nondiscrimination Coordinator, Title IX Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking. ¹³

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, Title IX Coordinator, and Complaint Managers. ¹⁴

Nondiscrimination Coordinator:

Title IX Coordinator:

Name

Name

Address

Address

Email

Email

Telephone

Telephone

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¹¹ 105 ILCS 5/26A-20(c)(1)-(6), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, states elements that must be in a district's "policy on the procedures" that a student or their parent/guardian may follow if he or she chooses to report an incident of alleged domestic or sexual violence. Having a "policy on the procedures" is a misnomer because the board does not adopt procedures but rather, through policy, directs the superintendent to establish procedures to implement policy. Only the required element at 105 ILCS 5/26A-20(c)(6), to establish a complaint resolution procedure, appears in this policy's text because the remaining elements are not board work and therefore inappropriate to include in board policy. Instead, required elements from 105 ILCS 5/26A-20(c)(1)-(5) appear in sample administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

¹² See sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, for a list of board policies implicated by the ESS Law and that may interact with this policy.

¹³ By including "any employee" in this list, this policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

¹⁴ While the names and contact information are required by law to be listed, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored.

Complaint Managers:

Name

Name

Address

Address

Email

Email

Telephone

Telephone

Complaint Resolution Procedure

When a complaint is filed, the Nondiscrimination Coordinator and/or Complaint Manager or designee shall process and review it according to administrative procedure 7:255-AP2, *Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

Enforcement

Any District employee who is determined, at the conclusion of the complaint resolution procedure, to have violated Article 26A will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the complaint resolution procedure, to have violated Article 26A will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee, etc.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.

Policy Review ¹⁵

At least once every two years, pursuant to 105 ILCS 5/26A-20 and Board policy 2:240, *Board Policy Development*, the Board reviews and makes any necessary updates to this policy and to any other policies that may act as a barrier to their immediate enrollment and re-enrollment, attendance, graduation, and success in school of any student who is a parent, expectant parent, or victim of domestic or sexual violence. The Superintendent or designee shall assist the Board with its review and any updates.

Retaliation Prohibited ¹⁶

Retaliation against an Article 26A Student or their parent/guardian for exercising or attempting to exercise their rights under Article 26A is prohibited. Individuals should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

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¹⁵ 105 ILCS 5/26A-20(a), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25. This provision also requires districts to review and revise any procedures that act as a barrier to Article 26A Students. Since procedure review and revision is administrator work and not board work, this requirement is addressed in sample administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

¹⁶ 105 ILCS 5/26A-50, added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25.

A student, employee, or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension or expulsion, with regard to students.

- LEGAL REF.: 105 ILCS 5/26A.
105 ILCS 10/, Ill. School Student Records Act.
405 ILCS 5/, Mental Health and Developmental Disabilities Code.
405 ILCS 49/, Children's Mental Health Act.
740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.
23 Ill.Admin.Code §1.240 and Part 200.
- CROSS REF.: 5:100 (Staff Development Program), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program), 6:120 (Education of Children with Disabilities), 6:150 (Home and Hospital Instruction), 7:10 (Equal Educational Opportunities), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:250 (Student Support Services), 7:340 (Student Records)