

Students

Complaint Resolution Procedure for Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence¹

105 ILCS 5/26A (Article 26A) ensures that students who are parents, expectant parents, or victims of domestic or sexual violence (Article 26A Students) are identified by schools in a manner respectful of their privacy and safety, treated with dignity and high regard, and provided the protection, instruction, and support services necessary to enable them to meet Illinois Learning Standards and succeed in school. This procedure implements the District's complaint resolution procedure for complaints of violations of Article 26A. **Consult the Board Attorney as needed throughout the complaint resolution procedure.**

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A. Overview of Article 26A Complaint Resolution Procedure

An Article 26A Student and/or their parent/guardian (hereinafter Complainant) may file a complaint alleging violations of Article 26A. Complaints may be about the identification, treatment, and/or provision of protection, instruction, and/or support services to Article 26A Students. The District's Article 26A Complaint Resolution Procedure (Complaint Resolution Procedure) adheres to the following guidelines:

1. **Respondent**. The Respondent must be one or more of the following: the school, the District, or school personnel. 105 ILCS 5/26A-25(a), added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25.
2. **Factors Considered**. The District will consider the most appropriate means to implement the Complaint Resolution Procedure, including the following factors: school safety, developmental level of students involved, methods to reduce trauma during the Complaint Resolution Procedure, and how to avoid multiple communications with students involved in an alleged incident of domestic or sexual violence. *Id.* at (a)(1).
3. **Privacy Protection**. Any proceeding, meeting, or hearing held to resolve Article 26A complaints shall protect the privacy of the participants. The District or school personnel shall not disclose the identity of parties or witnesses, except as necessary to resolve the complaint or to implement interim protective measures and reasonable support services or when required by law. *Id.* at (a)(2).
4. **Promptness**. Complainants shall have an opportunity to request that the Complaint Resolution Procedure begin promptly and proceed in a timely manner. *Id.* at (a)(3).
5. **No Conflict of Interest or Bias**. The District's Nondiscrimination Coordinator(s) and Complaint Manager(s) (hereinafter Complaint Resolvers) shall resolve Article 26A complaints. The District will have a sufficient number of Complaint Resolvers so that (*Id.* at (b)(2)):
 - a. A substitution can occur in the case of a conflict of interest or recusal,

¹ Required by 105 ILCS 5/26A-25, added by P.A. 102-466, a/k/a *Ensuring Success in School (ESS) Law*, eff. 7-1-25. This procedure is partially based on language recommended by the second ESS Task Force. See the June 2024 ESS Task Force final report, at: www.isbe.net/Documents_ESSTaskForce/Final-Report-ESS-Report-June-2024.pdf. Ensure that this sample Article 26A complaint resolution procedure is aligned with the district's policies, procedures, and practices.

- b. An individual with no prior involvement in the initial determination may hear any appeal, and
 - c. The Complaint Resolution Procedure proceeds in a timely manner.
- 6. Notification of Complaint Resolver. The Complainant and any witnesses shall receive notice of the name of the Complaint Resolver assigned to resolve the Complaint and shall have the opportunity to request a substitution if they believe their assigned Complaint Resolver has a conflict of interest. Id. at (b)(3).
- 7. Access to Supportive Measures. The District shall offer and coordinate interim protective measures and support services, as appropriate and available, for a Complainant pending the resolution of the Complaint. Id. at (g). See **Section B. Access to Supportive Measures**, below.
- 8. Investigation. The Complaint Resolver shall objectively investigate the Complaint and evaluate all relevant evidence.² See **Section C. Investigation and Determination**, below.
- 9. Reports of Incidents of Domestic or Sexual Violence. In the event a Complainant or their parent/guardian chooses to report an incident of alleged domestic or sexual violence, the Complaint Resolver shall:
 - a. Determine if additional action is needed under the following Board policies:
 - 1) 2:260, *Uniform Grievance Procedure*
 - 2) 2:265, *Title IX Grievance Procedure*
 - 3) 5:90, *Abused and Neglected Child Reporting*
 - 4) 5:120, *Employee Ethics; Conduct; and Conflict of Interest*
 - 5) 7:20, *Harassment of Students Prohibited*
 - 6) 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*
 - 7) 7:185, *Teen Dating Violence Prohibited*
 - 8) 7:190, *Student Behavior*
 - b. Provide the Complainant and their parent/guardian with information required by 105 ILCS 5/26A-20(c)(1)-(5).³

Information Required by 105 ILCS 5/26A-20(c)	Possible Sources

² Optional. This is a suggested best practice.

³ 105 ILCS 5/26A-20(c)(1)-(5), added by P.A. 102-466, a/k/a *ESS Law*, eff. 7-1-25, states that 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 must include the elements set forth in No. 9(b), many of which are impractical for districts to provide in board policy or administrative procedure. For further discussion, see f/n 10 in sample policy 7:255, *Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*, and **consult with the board attorney for guidance**.

<p>The name and contact information for the Article 26A Resource Person, Title IX Coordinator, school district resource officers or security, and any community-based domestic or sexual violence organization(s), as appropriate.</p>	<p>The name and contact information for each building-level Article 26A Resource Person appears in administrative procedure 7:255-AP1, <i>Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i>, as well as in any building-specific website and/or student handbook. See exhibits 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>, and 7:190-E2, <i>Student Handbook Checklist</i>. The name and contact information of the District's Title IX coordinator(s) are available in policy 2:265, <i>Title IX Grievance Procedure</i>, on the District's website, and in student handbooks. Contact each school's administrative office for information about building-level resource officers or security and local community-based domestic or sexual violence organization(s).</p>
<p>The name, title, and contact information for any confidential resources and a description of what confidential reporting means.</p>	<p>See exhibit 2:265-E, <i>Title IX Glossary of Terms</i>, for a definition of <i>confidential employee</i>. Consult the board attorney to determine whether the district has any confidential resources.</p>
<p>An option for the student or their parent/guardian to electronically, anonymously, and confidentially report the incident.</p>	<p>Electronic, anonymous, confidential reporting is available via the Safe2Help Illinois helpline, www.safe2helpil.com/. Helpline information is published in student handbooks (see exhibit 7:190-E2, <i>Student Handbook Checklist</i>) and on district-issued student identification cards, if any (see administrative procedure 7:290-AP, <i>Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program</i>).</p>
<p>An option for reports by third parties and bystanders.</p>	<p>Third parties and bystanders may report an alleged incident of domestic or sexual violence using any of the following policies, as appropriate:</p> <ul style="list-style-type: none"> 2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Grievance Procedure</i> 5:90, <i>Abused and Neglected Child Reporting</i> 7:20, <i>Harassment of Students Prohibited</i> 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i>

	<p>7:185, <i>Teen Dating Violence Prohibited</i> 7:190, <i>Student Behavior</i></p>
<p>Information regarding the various individuals, departments, or organizations to whom a student may report an incident of domestic or sexual violence, specifying for each individual or entity (a) the extent of the individual's or entity's reporting obligation to the District's administration, Title IX Coordinator, or other personnel or entity, (b) the individual or entity's ability to protect the student's privacy, and (c) the extent of the individual's or entity's ability to have confidential communications with the student or their parent/guardian.</p>	<p>Students may report an alleged incident of domestic or sexual violence via the Safe2Help Illinois helpline (www.safe2helpil.com/), by contacting any staff member or school resource officer, or using any of the following policies:</p> <p>2:260, <i>Uniform Grievance Procedure</i> 2:265, <i>Title IX Grievance Procedure</i> 7:20, <i>Harassment of Students Prohibited</i> 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> 7:185, <i>Teen Dating Violence Prohibited</i> 7:255, <i>Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence</i></p> <p>Information regarding local community-based domestic or sexual violence organizations may also be available in each school's administrative office.</p> <p>The extent of an individual or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications is fact-specific and impractical to include in district-level policy or procedures. It is also beyond the scope of the District's work to know an outside individual's or entity's reporting obligations, ability to protect student privacy, and ability to have confidential communications.</p> <p>Consult the Board Attorney for guidance.</p>

10. Standard of Proof. All determinations are based upon the *preponderance of evidence* standard. *Id.* at (c)(1). Preponderance of the evidence is defined to mean “the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force.” Black’s Law Dictionary, 11th ed. 2019.
11. Right to Appeal. The Complainant, Respondent, or any named perpetrator directly impacted by the results of the Complaint Resolution Procedure may appeal as described in **Section D. Appeals**, below.

B. Access to Support Services

After a Complaint is filed and an investigation is underway, the District will offer and coordinate interim protective measures and support services, as appropriate and available, for a Complainant pending the resolution of the Complaint. Such services will include those identified in the **Article 26A Support Services** subhead in administrative procedure 7:255-AP1, *Supporting Students Who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence*.

C. Investigation and Determination

The Complaint Resolver follows these steps when investigating the allegations in a Complaint. The Complaint Resolver shall make all reasonable efforts to complete the investigation and issue a written determination regarding whether an Article 26A violation occurred within 30 school business days. The Complaint Resolver will take steps to interview all parties, view any recorded forensic interviews, review other forms of evidence, and conduct interviews and follow-up interviews, as needed.

During the investigation, the Complainant and Respondent:

1. Will have the opportunity to provide or present evidence and witnesses on their behalf;
2. May have a representative or support person accompany them to any meeting related to the Complaint, so long as the representative or support person does not unduly delay the meeting and the representative or support person complies with any District rules;
3. May not directly or through a representative question one another or any witnesses; and
4. May, at the discretion of the Complaint Resolver, suggest questions for the Complaint Resolver to pose during the investigation.

Witnesses interviewed by the Complaint Resolver may also have a representative or support person accompany them to any meeting related to the Complaint, under the same conditions identified above. If any person's representative or support person violates District rules or engages in behavior or advocacy that is harassing, abusive, or intimidating, the representative or support person may be prohibited from further participation. *Id.* at (c)-(e).

Following the investigation, the Complaint Resolver will make a determination based on the *preponderance of evidence* standard. Within 10 business days after thereafter, the Complaint Resolver will provide simultaneous written notice of the determination to the Complainant, Respondent, and any named perpetrator directly impacted by the results of the Complaint Resolution Procedure. Written notice shall include information regarding appeal rights and procedures. *Id.* at (f).

D. Appeals

Actor	Action
Complainant, Respondent, or any Named Perpetrator Directly Impacted by Results	<p>Within 10 school business days⁴ after receiving notice of the determination, makes a written request to the Complaint Resolver appealing the determination based on allegations of (<i>Id.</i> at (f)(1)):</p> <ol style="list-style-type: none"> 1. A procedural error; 2. The existence of new information that would substantially change the outcome; 3. The remedy not being sufficiently related to the finding; or 4. The determination being against the weight of the evidence.
Complaint Resolver	<p>Upon receiving an appeal from one party:</p> <ol style="list-style-type: none"> 1. Notifies all parties in writing that an appeal has been filed, including a copy of the appeal with the notifications. 1. Provides the parties five (5) school business days to submit a written statement and/or new evidence in support of, or challenging, the outcome to the Complaint Resolver. 2. Promptly forwards all materials relative to the appeal to the Superintendent.
Superintendent	Reviews all appeal materials.

⁴ This timeline is optional and suggested for ease of use to align with the appeal timelines in sample policy 2:260, *Uniform Grievance Procedure*.

	Within 10-15 school business days after concluding the review, affirms, reverses, or amends the Complaint Resolver's determination and notifies the parties in writing of the appeal result and rationale for the result. <u>Id.</u> at (f)(3).
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Approved: