


MEMORANDUM

TO: The Honorable JB Pritzker, Governor
The Honorable Tony McCombie, House Minority Leader
The Honorable Don Harmon, Senate President
The Honorable John Curran, Senate Minority Leader
The Honorable Emanuel “Chris” Welch, Speaker of the House

FROM: Dr. Tony Sanders 
State Superintendent of Education

DATE: June 25, 2024

SUBJECT: Ensuring Success in School Task Force Report

The Illinois State Board of Education respectfully submits the *Ensuring Success in School Task Force Report* to the Governor and General Assembly to fulfill the requirements of 105 ILCS 5/26A-15.

This report is transmitted on behalf of the State Superintendent of Education. For additional information, please contact Dana Stoerger, Executive Director, Legislative Affairs at (217) 782-6510 or dstoerge@isbe.net.

cc: Secretary of the Senate
Clerk of the House
Legislative Research Unit
State Government Report Center

2024

Ensuring Success in School

Task Force Report

June 25, 2024

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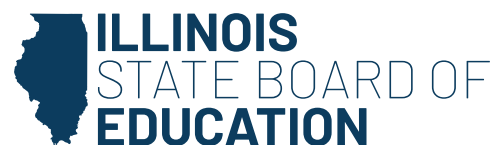


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Background

Over the last 20 years, support for vulnerable and marginalized students in K-12 public schools has been a priority across the United States, including for policymakers, advocates, and school leaders alike. Illinois has been at the forefront of this work, as evidenced by:

- The passage of the Children’s Mental Health Act of 2003;
- The adoption of Social-Emotional Learning Standards in 2005, making Illinois the first state in the nation to do so; and
- The passage of the inaugural Ensuring Success in School law ([Public Act 95-0558](#)) in 2007.

The inaugural Ensuring Success in School (ESS) law required the Illinois State Board of Education (ISBE) to create the first ESS Task Force, which issued a report in 2010. This Act also added a new training requirement to the list of mandated in-service trainings for education personnel that was meant to provide information about supportive interactions with students who are victims of domestic or sexual violence in school settings and increase awareness on how to best care for students who are expectant parents or parenting while they are enrolled in school. Illinois did not stop there, as it continued to focus on what it could do to prevent and better respond to provide support after students experience sexual and domestic violence, as well as how it could support students who were expectant or parenting.

In 2017, as the United States grappled with ongoing public revelations demonstrating the magnitude of the problem of sexual harassment and violence in society, momentum in Illinois also grew related to what became known as the #metoo movement. Advocates decided it was time to build upon the first ESS law. They came together in the fall of 2018 amid high-profile news stories of sexual abuse in Illinois schools and worked to draft legislation that would provide students who had been impacted by sexual and domestic violence or students who are pregnant or parenting with needed supports to pursue a high-quality education.

Then, in 2019, [PA 101-0531](#) created the Make Sexual Abuse Fully Extinct (Make S.A.F.E.) Task Force to address issues concerning the sexual abuse of students in school-related settings. The task force released a report that contained 21 recommendations pertaining to a variety of improvements to sexual abuse response in schools, prevention education for students and education personnel, and other systems change. Many of the recommendations focused on prevention education for students and staff, as well as systemic changes to the Illinois Criminal Code, have been enacted with the passing of two pieces of legislation known together as [Faith’s Law](#).

As the Make S.A.F.E. Task Force was framing recommendations for its report, work on the second iteration of the ESS law continued. The next version of the ESS law was designed to center on student survivors and their needs. Advocates worked for three years amid a global public health crisis to eventually see [PA 102-0466](#) enacted in 2021. This Act serves as the basis for the guidance, model policy, and recommendations contained herein. (Additionally, [PA 102-0894](#) should be noted for its amendment to change the effective date of the task force overseeing this report as required by PA 102-0466.)

Public Act and Task Force Charge

PA 102-0466, or ESS, provides schools with direction on how to ensure that elementary and secondary students who are parents, expectant parents, or victims of domestic or sexual violence can stay in school, stay safe, succeed academically, and complete their education. The law focuses on four issues that impact students and establishes expectations for how schools and districts must accommodate students who are impacted by one or more of these issues to ensure their success in school.

The four focus issues impacting students are:

1. Students who are expectant parents,

2. Students who are parents,

3. Students who are victims of domestic violence, and

4. Students who are victims of sexual violence.

The law outlines how the occurrence of these four issues shall be considered in matters of disciplinary hearings, home instruction, truancy, and throughout a new part in the School Code (Article 26A) that covers required supportive measures if requested by the student; a complaint resolution procedure that may take place between the student and the school, school district, or an employee of a school district if initiated by a student; confidentiality expectations; and two new school personnel roles to support this law.

Public Act 102-0466 requires ISBE to convene the ESS Task Force and submit this report to the Governor's Office and General Assembly, as described below:

(105 ILCS 5/26A-15)

(Section scheduled to be repealed on December 1, 2025)

Sec. 26A-15. Ensuring Success in School Task Force.

(a) The Ensuring Success in School Task Force is created to draft and publish model policies and intergovernmental agreements for interdistrict transfers; draft and publish model complaint resolution procedures as required in subsection (c) of Section 26A-25; identify current mandatory educator and staff training and additional new trainings needed to meet the requirements as required in Section 26A-25 and Section 26A-35. These recommended policies and agreements shall be survivor-centered and rooted in trauma-informed responses and used to support all students, from pre-kindergarten through grade 12, who are survivors of domestic or sexual violence, regardless of whether the perpetrator is school-related or not, or who are parenting or pregnant, regardless of whether the school is a public school, nonpublic school, or charter school.

(b) The Task Force shall be representative of the geographic, racial, ethnic, sexual orientation, gender identity, and cultural diversity of this State. The Task Force shall consist of all of the following members, who must be appointed no later than 60 days after the effective date of this amendatory Act of the 102nd General Assembly:

(1) One Representative appointed by the Speaker of the House of Representatives.

(2) One Representative appointed by the Minority Leader of the House of Representatives.

- (3) *One Senator appointed by the President of the Senate.*
- (4) *One Senator appointed by the Minority Leader of the Senate.*
- (5) *One member who represents a State-based organization that advocates for lesbian, gay, bisexual, transgender, and queer people appointed by the State Superintendent of Education.*
- (6) *One member who represents a State-based, nonprofit, nongovernmental organization that advocates for survivors of domestic violence appointed by the State Superintendent of Education.*
- (7) *One member who represents a statewide, nonprofit, nongovernmental organization that advocates for survivors of sexual violence appointed by the State Superintendent of Education.*
- (8) *One member who represents a statewide, nonprofit, nongovernmental organization that offers free legal services, including victim's rights representation, to survivors of domestic violence or sexual violence appointed by the State Superintendent of Education.*
- (9) *One member who represents an organization that advocates for pregnant or parenting youth appointed by the State Superintendent of Education.*
- (10) *One member who represents a youth-led organization with expertise in domestic and sexual violence appointed by the State Superintendent of Education.*
- (11) *One member who represents the Children's Advocacy Centers of Illinois appointed by the State Superintendent of Education.*
- (12) *One representative of the State Board of Education appointed by the State Superintendent of Education.*
- (13) *One member who represents a statewide organization of social workers appointed by the State Superintendent of Education.*
- (14) *One member who represents a statewide organization for school psychologists appointed by the State Superintendent of Education.*
- (15) *One member who represents a statewide organization of school counselors appointed by the State Superintendent of Education.*
- (16) *One member who represents a statewide professional teachers' organization appointed by the State Superintendent of Education.*
- (17) *One member who represents a different statewide professional teachers' organization appointed by the State Superintendent of Education.*
- (18) *One member who represents a statewide organization for school boards appointed by the State Superintendent of Education.*

(19) One member who represents a statewide organization for school principals appointed by the State Superintendent of Education.

(20) One member who represents a school district organized under Article 34 appointed by the State Superintendent of Education.

(21) One member who represents an association representing rural school superintendents appointed by the State Superintendent of Education.

(c) The Task Force shall first meet at the call of the State Superintendent of Education, and each subsequent meeting shall be called by the chairperson, who shall be designated by the State Superintendent of Education. The State Board of Education shall provide administrative and other support to the Task Force. Members of the Task Force shall serve without compensation.

(d) On or before June 30, 2024, the Task Force shall report its work, including model policies, guidance recommendations, and agreements, to the Governor and the General Assembly. The report must include all of the following:

(1) Model school and district policies to facilitate interdistrict transfers for student survivors of domestic or sexual violence, expectant parents, and parents. These policies shall place high value on being accessible and expeditious for student survivors and pregnant and parenting students.

(2) Model school and district policies to ensure confidentiality and privacy considerations for student survivors of domestic or sexual violence, expectant parents, and parents. These policies must include guidance regarding appropriate referrals for non-school-based services.

(3) Model school and district complaint resolution procedures as prescribed by Section 26A-25.

(4) Guidance for schools and districts regarding which mandatory training that is currently required for educator licenses or under State or federal law would be suitable to fulfill training requirements for resource personnel as prescribed by Section 26A-35 and for the staff tasked with implementing the complaint resolution procedure as prescribed by Section 26A-25. The guidance shall evaluate all relevant mandatory or recommended training, including, but not limited to, the training required under subsection (j) of Section 4 of the Abused and Neglected Child Reporting Act, Sections 3-11, 10-23.12, 10-23.13, and 27-23.7 of this Code, and subsections (d) and (f) of Section 10-22.39 of this Code. The guidance must also identify what gaps in training exist, including, but not limited to, training on trauma-informed responses and racial and gender equity, and make recommendations for future training programs that should be required or recommended for the positions as prescribed by Sections 26A-25 and 26A-35.

(e) The Task Force is dissolved upon submission of its report under subsection (d).

(f) This Section is repealed on December 1, 2025.

(Source: PA 102-466, eff. 5-20-22. See Section 5 of PA 102-894 for effective date of PA 102-466.)

Task Force Members and Meeting Dates

Courtney Akins	New Moms
Tai Basurto	Chicago Public Schools
Madeleine Behr	Chicago Alliance Against Sexual Exploitation
Verda Bhatti	Between Friends
Sean Black	Illinois Coalition Against Sexual Assault
Maryam Brotine	Illinois Association of School Boards
Jennifer Garrison	Vandalia School District 203
Kim Hefner	Riverside School District 96
Brenda Huber	Illinois School Psychologists Association
Kimberly Lightford	State Senator, 4th District
Kim Mangiaracino	Children’s Advocacy Centers of Illinois
Melissa McCutchen	Carterville High School (Carterville CUSD #5)
Anna Moeller	State Representative, 43rd District
Krish Mohip	Illinois State Board of Education
Nancy Mullen	Youth Outlook
Jerrilyn Parker	West Harvey-Dixmoor School District 147
Dr. Maria Robles Sinkule	Illinois Association of School Social Workers
Scheherazade Tillet	A Long Walk Home
Jil Tracy, State Senator	47th District
Vince Walsh-Rock	Illinois School Counselor Association

The Ensuring Success in School Task Force met virtually on April 6, 2023; May 24, 2023; July 19, 2023; September 21, 2023; November 15, 2023; January 23, 2024; March 20, 2024; and May 29, 2024.

Population Data and Supporting Research

The first ESS Task Force created in 2007 had a unique and powerful charge: “In light of the growing dropout and push-out crisis in Illinois, this Task Force was charged with developing policies, procedures, and protocols to be adopted by school districts for addressing the educational and related needs of elementary and secondary students who are parents, expectant parents, or survivors of domestic or sexual violence to ensure their ability to stay in school, stay safe while in school, and successfully complete their education.”¹ The world is a very different place in 2024 than it was in 2007. Research and statistics about sexual and domestic violence and parental responsibilities continue to point to the need for ongoing support and resources that help students who have been harmed heal from the impact of their experiences and obtain a diploma.

The four focus issues of the ESS law were chosen very intentionally for the relationship that interpersonal violence can play in teen pregnancy. It is estimated that two-thirds of all teens who are pregnant or parenting have been the victim or perpetrator of physical interpersonal violence, with an even greater number involved in psychological abuse.² Research continues to show the impact this can have on academic outcomes. One 2017 study found that girls who experience violence by age 16 are 24% more likely to drop out of school compared to peers without trauma in their background.³ The ESS law provides Illinois with the opportunity to build on existing systems to support these students.

It is important for all school personnel to understand the impact that these four focus issues have on students. Today, approximately one in 10 children experience sexual abuse or assault; 70% of those victimized children were harmed by a peer, often a friend or romantic partner.⁴ In addition to sexual violence, the ESS law covers students who experience gender-based harassment from a peer, including harassment against a student because of their gender identity and/or their sexual orientation. Gender-based harassment also includes harm that is often referred to as “teen dating violence.” Data from the Centers for Disease Control and Prevention (CDC) [Youth Risk Behavior Survey](#) and the [National Intimate Partner and Sexual Violence Survey](#) indicate that nearly one in 11 female and approximately one in 14 male high school students report having experienced physical dating violence in the last year. The ESS law and Article 26A of the School Code lay out specific definitions of these types of violence to ensure the protection and support for students with a wide range of experiences.

Regarding the two focus issues that involve violence, the ESS law specifies that “domestic or sexual violence means domestic violence, gender-based harassment, sexual activity without consent, sexual assault, sexual violence, or stalking.” All of these terms are individually defined within Article 26A. The ESS law also specifies the broad interpretation it requires for these actions and behaviors to be covered by the law: “Domestic or sexual violence may occur through electronic communication. Domestic or sexual violence exists regardless of when or where the violence occurred, whether or not the violence is the subject of a criminal investigation or the perpetrator has been criminally charged or convicted of a crime, whether or not an order of protection or a no-contact order is pending before or has been issued by a court, or whether or not any domestic or sexual violence took place on school grounds, during regular school hours, or during a school-sponsored event.” The ESS law

¹[Ensuring Success in School Task Force Final Report to the Illinois General Assembly](#) (June 2010).

²Newman, B.S. & Campbell, C. (2011). Intimate partner violence among pregnant and parenting Latina adolescents. *Journal of Interpersonal Violence*, 26(13), 2635-2657; Harrykisson, S.D., Rickert, V.I., & Weimann CM (2002) Prevalence and patterns of intimate partner violence among adolescent mothers during the postpartum period. *Archives of Pediatric and Adolescent Medicine*, 156, 325-330.

³Timothy M. Diette, Arthur H. Goldsmith, Darrick Hamilton, and William A. Darity Jr. (2017), “Child Abuse, Sexual Assault, Community Violence and High School Graduation,” *Review of Behavioral Economics*: Vol. 4: No. 3, pp 215-240.

⁴Gewirtz-Meydan, A., & Finkelhor, D. (2020). Sexual abuse and assault in a large national sample of children and adolescents. *Child Maltreatment*, 25(2), 203-214. <https://doi.org/10.1177/1077559519873975>.

allows students who have experienced sexually harassing comments from a peer, as well as students who were sexually assaulted by a family member many years ago, to seek supportive measures from their school. Nonconsensual dissemination of private images, which is unfortunately increasingly common in K-12 schools, is also covered by the ESS law. The law provides access to support that can help a student continue to pursue their education regardless of the time, location, or severity of the violence.

Regarding expectant parents and student parents, supportive measures in schools for this population of students, including after they give birth, are essential to eliminating barriers for these students and paving their pathway toward earning a diploma. It is important to not discount the impact this diploma will have on the children of these students. The CDC reports that birth rates for adolescents have significantly declined in the last 30 years, but racial and ethnic disparities continue to persist among students impacted by pregnancy and parenting. “Birth rates for Hispanic teens (25.3) and non-Hispanic Black teens (25.8) were more than two times higher than the rate for non-Hispanic White teens (11.4),” according to the [CDC Reproductive Health: Teen Pregnancy webpage](#). The ESS law provides an opportunity for schools to provide the necessary help and resources for these students as they navigate their journey as new parents.

In Article 26A, “expectant parent” means a student who (i) is pregnant and (ii) has not yet received a diploma for completion of a secondary education, as defined in Section 22-22 of the School Code. Under Article 26A, a “student parent” means a student who is a custodial or noncustodial parent taking an active role in the care and supervision of a child, and who has not yet received a diploma for completion of a secondary education. Pregnancy and the postpartum period include many medical appointments, may lead to medical complications, and are a crucial time for schools to offer students flexibility in completing their schoolwork. While many Illinois districts have been practicing this extra level of support for many years, the ESS law lays out a system and structure that all must follow.

Underlying the data of the four focus issues of ESS is one common thread that has become a more familiar term in Illinois schools over the last few years: trauma. Sexual and domestic violence are obvious forms of trauma that a student may experience. Being an expectant parent or student parent may not seem as obviously tied to trauma, but those circumstances leave these students vulnerable to additional stress and less control over their lives. Brain science tells us that students need to feel safe, valued, and have a sense of belonging at school in order to learn.⁵

Schools can offer a safe and supportive environment for youth exposed to trauma or struggling with mental health problems. This is necessary to promote healing and to align educational and health supports to better serve the whole child. A considerable number of students have been exposed to trauma, which evidence suggests can affect their ability to attend to the demands of schooling and learning. In addition, in some instances, schools can inadvertently be a site of re-creating trauma. Therefore, many schools have adopted a trauma-informed or trauma-sensitive approach, recognizing that this is a matter of educational equity.⁶ ESS will align to much of this ongoing work in Illinois schools.

⁵McGaugh JL, McIntyre CK, Power AE. Amygdala modulation of memory consolidation: interaction with other brain systems. *Neurobiology of Learning and Memory*. 2002 Nov;78(3):539-52. doi: 10.1006/nlme.2002.4082. PMID: 12559833.

⁶Venet A. S. (2021). *Equity-centered, trauma-informed education*. W. W. Norton & Company.

The Whole Child Task Force, led by ISBE in 2021 and 2022, was created by [PA 101-0654](#) for the purpose of establishing an equitable, inclusive, safe, and supportive environment in all schools for every student in Illinois in the wake of the murder of George Floyd in Minnesota in May of 2020. The Whole Child Task Force submitted a report of its findings and recommendations to the General Assembly, the Illinois Legislative Black Caucus, the State Board of Education, and the governor on March 15, 2022. The task force made 31 recommendations, many of which are ongoing and align well to the four focus issues of the ESS law and the access to supportive measures that it provides students.

One recommendation made by the Whole Child Task Force that aligns to the ESS law is that the state adopt common definitions of concepts related to trauma and trauma-informed care in K-12 educational settings. This was accomplished with the passing of [PA 103-0413](#) in 2023. These definitions and the training that goes with them take effect on July 1, 2024. The Whole Child Task Force also recommended that the state coordinate a multi-year and multi-sector campaign about the impacts of trauma and the opportunities for healing; that effort is being led by Lieutenant Governor Julianna Stratton and the Healing-Centered Illinois Task Force. The focus issues of the ESS law and the supportive measures it provides access to exemplify a healing-centered approach to system change within education.

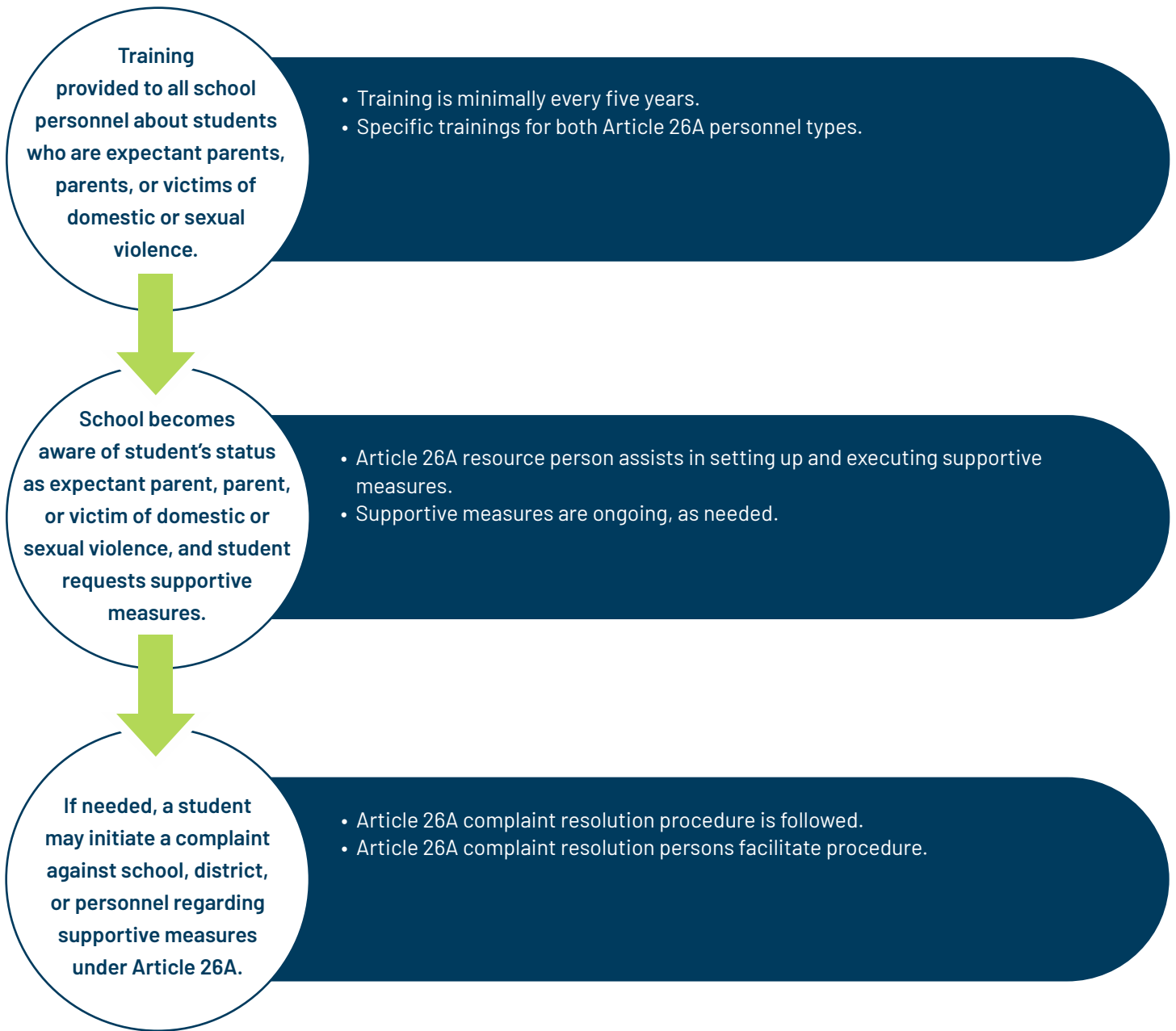
Model Policies, Guidance Recommendations, and Agreements

Public Act 102-0466 requires Illinois schools to have policies and procedures in place that allow students who are impacted by one or more of the four focus issues of the Act to be “identified by schools in a manner respectful of their privacy and safety, treated with dignity and high regard, and provided the protection, instruction, and related services necessary to enable them to meet State educational standards and successfully attain a school diploma.” The ESS law does this by:

- Making changes to required trainings for education personnel,
- Creating two new roles for education personnel to support the process,
- Providing students impacted by one or more of the four focus issues the ability to request supportive measures, and
- Creating a complaint resolution procedure to hold school districts accountable for providing students with access to these measures.

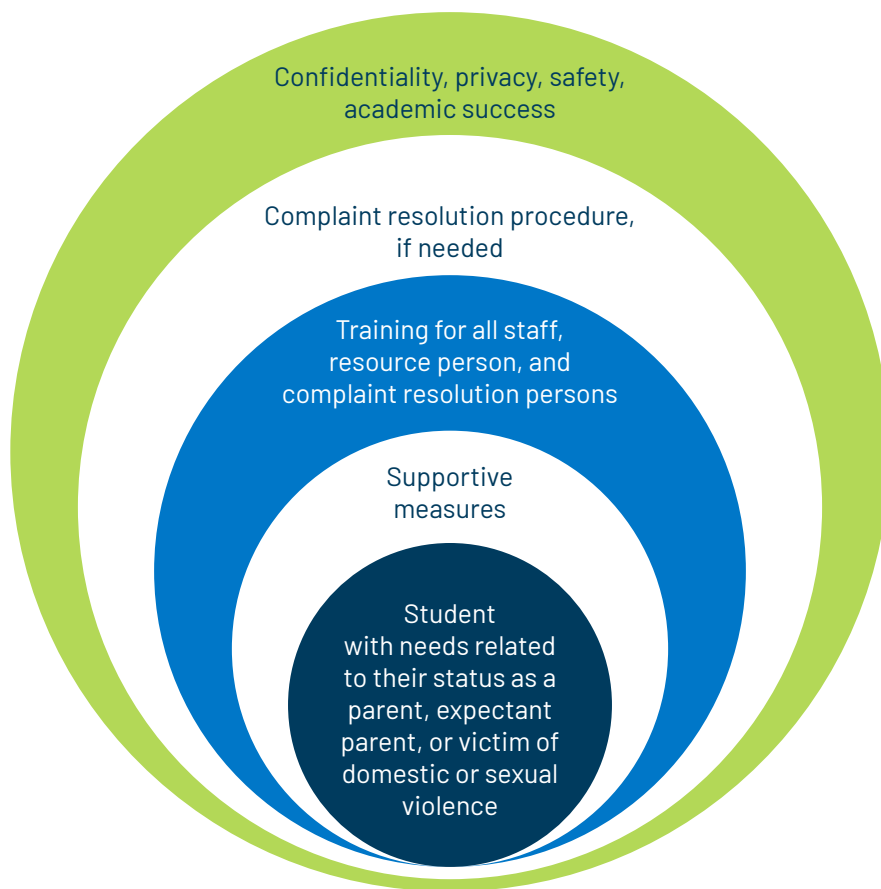
A process map of the ESS law is included in Figure 1 to provide a visual representation of the relationship between the various components of the law.

FIGURE 1



Students impacted by the four focus issues deserve to be identified by schools in a manner respectful of their privacy and safety; treated with dignity and high regard; and provided the protection, instruction, and related services necessary to enable them to graduate. Figure 2 provides another visual representation of how the various components of the ESS law align to support students.

FIGURE 2



This task force was created and charged with providing model policies, guidance recommendations, and agreements that will assist schools in achieving the purpose of the Act. In the spirit of its research and findings – and the purpose outlined in the Public Act – the Ensuring Success in School Task Force provides the following policies and guidance for consideration:

Interdistrict Transfers Model Policy

The Model Interdistrict Transfer Subcommittee of the ESS Task Force met seven times – May 24, 2023; July 19, 2023; August 24, 2023; September 21, 2023; October 27, 2023; November 15, 2023; and December 6, 2023. The subcommittee was chaired by Maryam Brotine and submits the following report:

The text in the Model Board Policies section of this document is based upon two policies, titled **Residence** and **Student Support Services**, that many Illinois school boards adopt. Red text in the Model Board Policies section of this document is recommended language to be added to these commonly adopted policies that many boards have obtained via the Illinois Association of School Boards’ Policy Reference Education Subscription Service (**PRESS**) and **PRESS Plus**.

Model Board Policies

A subhead from the **Residence** policy is below. The underlined red text is recommended language that a school board or school governed by the Illinois School Code (105 ILCS 5/ et seq., including schools operating under Articles 13, 13A, 13B, 27A, 32, 33, or 34) may add to its policy.

Admission of Nonresident Students Pursuant to an Agreement or Order

Nonresident students may attend district schools pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and nonresident pupils of charitable institutions.
3. An intergovernmental agreement, including, but not limited to, an agreement for interdistrict transfer of student survivors of domestic or sexual violence, expectant parents, and parents under 105 ILCS 5/26A.
4. Whenever any state or federal law or a court order mandates the acceptance of a nonresident student.

A proposed new subhead and new concluding language for the **Student Support Services** policy is below. The underlined red text is recommended language that a school board or school governed by the Illinois School Code (105 ILCS 5/ et seq., including schools operating under Article 13, 13A, 13B, 27A, 32, 33, or 34) may add to its policy, and the highlighted portions indicate areas that may be customized by a school board or school.

Article 26A Domestic or Sexual Violence and Parenting Resource Personnel

The [superintendent/principal/director] or designee will ensure that at least one staff member in each school building is designated as a resource for students who are parents, expectant parents, or victims of domestic or sexual violence. The Article 26A resource person will:

1. Connect students who are parents, expectant parents, or victims of domestic or sexual violence to appropriate in-school services or other agencies, programs, or services as needed;
2. Coordinate the implementation of the [school's/district's] policies, procedures, and protocols in cases involving student allegations of domestic or sexual violence;
3. Coordinate the implementation of the [school's/district's] policies, procedures, and protocols concerning students who are parents, expectant parents, or victims of domestic or sexual violence;
4. Assist students who are parents, expectant parents, or victims of domestic or sexual violence in their efforts to exercise and preserve their rights as set forth in 105 ILCS 5/26A; and
5. Assist in providing staff development to establish a positive and trauma-sensitive learning environment for students who are parents, expectant parents, or victims of domestic or sexual violence.

The [superintendent/principal/director] shall ensure that this policy is implemented in a manner consistent with state and federal laws and respectful of student privacy, including that student records are maintained

and their confidentiality protected in accordance with [school/school board/district] policies and procedures. [insert the names and numbers of relevant policies].

Confidentiality and Privacy Model Policy

The topics of confidentiality, privacy, and referring students to non-school-based services were woven into the discussion of each subcommittee and the full task force, and did not live within a unique subcommittee. Therefore, the ESS Task Force submits the following report regarding these topics, using input from all members and the work of all subcommittees:

Model Board Policies

The red text underlined below is recommended language that a school board or school governed by the Illinois School Code (105 ILCS 5/ et seq., including schools operating under Article 13, 13A, 13B, 27A, 32, 33, or 34) may use in a new policy or add as a new subhead in existing policy.

Article 26A Domestic or Sexual Violence and Parenting Student Confidentiality

The [superintendent/principal/director] shall develop procedures to ensure that all information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, or a student who is a named perpetrator of domestic or sexual violence, provided to or otherwise obtained by the [school/district] or its employees or agents pursuant to 105 ILCS 5/26A or otherwise, including a statement of the student or any other documentation, record, or corroborating evidence that the student has requested or obtained assistance, support, or services pursuant to 105 ILCS 5/26A, shall be retained in the strictest of confidence by the [school/district] and its employees or agents. Procedures will:

1. 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 (a) permitted by the Illinois School Student Records Act (ISSRA)(105 ILCS 10/), the federal Family Educational Rights and Privacy Act of 1974 (FERPA)(20 U.S.C. § 1232g), or other applicable state or federal laws, or (b) requested or consented to, in writing, by the student or the student's parent/guardian if it is safe to obtain written consent from the student's parent/guardian; and
2. Comply with the requirements of 105 ILCS 5/26A-30.

The information below may be used by a superintendent/principal/director in the development of an administrative procedure regarding confidentiality for students who are parents, expectant parents, or victims of domestic or sexual violence:

"Confidential" means information or facts expected and intended to be kept private or protected by an existing privilege in 735 ILCS 5/1-101 et seq. Confidential information may be disclosed by the [school/district] if such disclosure is required by state or federal law or is necessary to complete proceedings relevant to 105 ILCS 5/26A.

Designation of student information as confidential applies to the [school/district] and does not limit a student's right to speak about the student's experiences.

Information disclosure: Prior to disclosing information about a student's status as a parent, expectant parent, or victim of domestic or sexual violence, a [school/district] must notify the student and discuss and address

any safety concerns related to the disclosure, including instances in which the student indicates or the [school/district] or its employees or agents are otherwise aware that the student's health or safety may be at risk if their status is disclosed to the student's parent or guardian, except as otherwise permitted by applicable state or federal law, including the Abused and Neglected Child Reporting Act (325 ILCS 5/), ISSRA, FERPA, and any professional ethics policies that govern professional school personnel.

Public testimony prohibition: No student may be required to testify publicly concerning his or her status as a victim of domestic or sexual violence, allegations of domestic or sexual violence, his or her status as a parent or expectant parent, or the student's efforts to enforce any of his or her rights under provisions of this Code relating to students who are parents, expectant parents, or victims of domestic or sexual violence.

Verification of violence: In the case of domestic or sexual violence, except as permitted under state or federal law, or to the extent that a school official determines that the school official has an obligation to do so based on safety concerns or threats to the community, including the victim, a school district must not contact the person named to be the perpetrator, the perpetrator's family, or any other person named by the student or named by the student's parent or guardian to be unsafe to contact to verify the violence.

School district contact with named perpetrator and required notice: A school district must not contact the perpetrator, the perpetrator's family, or any other person named by the student or the student's parent or guardian to be unsafe for any other reason without providing prior written notice to the student's parent or guardian. Nothing in this Section prohibits the school or school district from taking other steps to investigate the violence or from contacting persons not named by the student or the student's parent or guardian as unsafe to contact.

Reasonable steps to protect student and required notice: Nothing in this Section prohibits the school or school district from taking reasonable steps to protect students. If the reasonable steps taken to protect students involve conduct that is prohibited under this subsection, the school must provide notice to the reporting student, in writing and in a developmentally appropriate communication format, of its intent to contact the parties named to be unsafe.

Application: This Section shall not apply to notification of parents or guardians if the perpetrator of the alleged sexual misconduct is an employee, agent, or contractor of a school district, charter school, or nonpublic school with direct contact with children or students.

Further, the ESS Task Force submits the following confidentiality resources that may be of note to the field:

Federal laws:

- [Family Educational Rights and Privacy Act](#) (20 U.S.C. § 1232g)
 - Supporting documents are available on the [U.S. Department of Education Protecting Student Privacy webpage](#).
 - See [U.S. Department of Education FERPA Model Notification of Rights for Elementary & Secondary Schools](#).
 - See [U.S. Department of Education A Parent Guide to the Family Educational Rights and Privacy Act](#).

- Title IX regulation 34 C.F.R. 106.30, *Definitions*.
 - Within the definition of *supportive measures*, it states that “[t]he recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures.”

State laws:

- [Confidentiality of statements made to rape crisis personnel in Illinois \(735 ILCS 8-802.1\)](#)
 - Section 8-802.1 addresses privileged communication between rape crisis personnel and victims.
- [Illinois School Student Records Act \(105 ILCS 10/\)](#)
- [Illinois Mental Health and Developmental Disabilities Confidentiality Act \(740 ILCS 110/\)](#)
 - This Act governs the release of confidential information given by a student to a therapist (such as a school counselor or psychologist).
- [Illinois Domestic Violence Act \(750 ILCS 60/\)](#)
 - Section 227 addresses privileged communication between domestic violence counselors and victims.

Guidance regarding appropriate referrals for non-school-based services

There are a variety of personnel roles within a school district that are appropriate to involve in referring students in need of support outside of the school to such services, including school social workers, school counselors, school psychologists, school nurses, and others. The training and licensure of such individuals provides them with the expertise to properly assess and communicate with community partners that may assist students who are in need of services outside of school, including mental health services. School districts should include information about such referrals, including the establishment of memorandums of understanding with outside agencies, in their policies and procedures.

School districts should consider establishing a procedure that documents the process of school personnel providing linkages and referrals to local, state, or federal agencies and organizations when students have needs above and beyond the educational setting, or when those needs are unrelated to educational functioning.⁷ If a student is referred to an outside organization, the work that the receiving organization does with the student may be subject to confidentiality laws and policies internal to the receiving organization. School personnel may consider working with the student and their family to determine if completing a consent form to allow the receiving organization to communicate with select school personnel may make sense for continuity of care and student needs. A sample authorization form is included in Appendix 1.

Complaint Resolution Procedures

The Model Complaint Resolution Procedure Subcommittee of the ESS Task Force met eight times virtually — May 24, 2023; July 19, 2023; August 17, 2023; September 21, 2023; October 19, 2023; November 15, 2023; December 21, 2023; and February 15, 2024. The subcommittee was chaired by Madeleine Behr and submits the following report:

Purpose/Introduction

This procedure shall be used for resolving complaints under Article 26A, which exists to ensure that students who are parents, expectant parents, or victims of domestic or sexual violence 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 related services necessary to enable them to meet state educational standards and successfully attain a school diploma.

Sexual and domestic violence affect a student's ability to learn. Pregnant students, student parents, or students expecting to be parents have unique needs. Providing an educational environment free of sexual and domestic violence is an important [school/district] goal. Providing accommodations and supports for pregnant students, parenting students, students expecting to be parents, and student survivors of sexual and domestic violence are important [school/district] goals.

The [school/district] does not discriminate on the basis of sex in any of its education programs or activities, and it complies with [Title IX of the Education Amendments of 1972](#) and its implementing regulations ([34 C.F.R. Part 106](#)) concerning everyone in the district's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

Any student or their parent/guardian may file a complaint alleging violations of Article 26A.

Complaints may regard the identification; treatment; and/or provision of protection, instruction, and/or related services to students. Examples of possible complaint allegations include, but are not limited to:

- Failure to respond in a timely manner to a student's request for support,
- Failure to provide sufficiently private settings to ensure confidentiality,
- Failure to provide time off from class for meetings with counselors or other service providers,
- Improperly sharing information about a student's status,
- Refusal to change a seating assignment of a pregnant student when requested, or
- Refusal to accept an allowed form of validation.

Definitions

"Complainant" means a student who is a survivor of domestic or sexual violence and/or a student who is an expectant parent or student parent who is alleged to be the victim of conduct that could constitute a violation of 105 ILCS 5/26A-1 et seq. (Article 26A). To the extent that the complainant is a minor student, the student's parent/guardian may be a complainant on behalf of their child.

"Confidential" means information or facts expected and intended to be kept private or protected by an existing privilege in 735 ILCS 5/1-101 et seq. Confidential information may be disclosed by the [school/district] if such disclosure is required by state or federal law or is necessary to complete proceedings relevant to Article 26A. Designation of student information as confidential applies to the [school/district] and does not limit a student's right to speak about the student's experiences.

⁷Illinois State Board of Education-Illinois Association of School Social Workers, [School Social Work Best Practice Guide](#), Third Edition, 2020.

“Consent” includes, at a minimum, a recognition that:

1. Consent is a freely given agreement to sexual activity,

2. An individual’s lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent,

3. An individual’s manner of dress does not constitute consent,

4. An individual’s consent to past sexual activity does not constitute consent to future sexual activity,

5. An individual’s consent to engage in one type of sexual activity with one person does not constitute consent to engage in any other type of sexual activity or sexual activity with another person,

6. An individual can withdraw consent at any time, and

7. An individual cannot consent to sexual activity if that individual is unable to understand the nature of the activity or give knowing consent due to the circumstances that include, but are not limited to, all the following:
 - The individual is incapacitated due to the use or influence of alcohol or drugs.
 - The individual is asleep or unconscious.
 - The individual is under the age of consent.
 - The individual is incapacitated due to a mental disability.

“Complaint resolution person” means the appointed or designated school representative who is trained to resolve complaints under Article 26A-15 of the School Code and this policy.

“Domestic or sexual violence” means domestic violence, gender-based harassment, sexual activity without consent, sexual assault, sexual violence, or stalking. Domestic or sexual violence may occur through electronic communication. Domestic or sexual violence exists regardless of when or where the violence occurred, whether or not the violence is the subject of a criminal investigation or the perpetrator has been criminally charged or convicted of a crime, whether or not an order of protection or a no-contact order is pending before or has been issued by a court, or whether or not any domestic or sexual violence took place on school grounds, during regular school hours, or during a school-sponsored event.

“Domestic or sexual violence organization” means:

- A nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or advocates for those victims, including an organization carrying out a domestic or sexual violence program;
- An organization operating a shelter or a rape crisis center or providing counseling services;
- An accredited children’s advocacy center;
- An organization that provides services to or advocates on behalf of children and students who are gay, lesbian, bisexual, transgender, or gender nonconforming;
- An organization that provides services to or advocates on behalf of children and students who are parents or expectant parents; or

- An organization seeking to eliminate domestic or sexual violence or to address the consequences of that violence for its victims through legislative advocacy or policy change, public education, or service collaboration.

“Domestic violence” means abuse, as defined in the Illinois Domestic Violence Act of 1986, by family or household members, as defined in the Illinois Domestic Violence Act of 1986.

“Electronic communication” includes communications via telephone, mobile phone, computer, email, video recorder, fax machine, telex, pager, apps or applications, or any other electronic communication or cyberstalking as specified in Section 12-7.5 of the Criminal Code of 2012.

“Expectant parent” means 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.

“Gender-based harassment” means any harassment or discrimination on the basis of an individual’s actual or perceived sex or gender, including unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or unwelcome conduct, including verbal, nonverbal, or physical conduct that is not sexual in nature but is related to a student’s status as a parent, expectant parent, or victim of domestic or sexual violence.

“Harassment” means any unwelcome conduct on the basis of a student’s actual or perceived race, gender, color, religion, national origin, ancestry, sex, marital status, order of protection status, disability, sexual orientation, gender identity, pregnancy, or citizenship status that has the purpose or effect of substantially interfering with the individual’s academic performance or creating an intimidating, hostile, or offensive learning environment.

“Perpetrator” means an individual who commits or is alleged to have committed any act of domestic or sexual violence. The term “perpetrator” must be used with caution when applied to children, particularly young children.

“Poor academic performance” means a student who has:

1. Scored in the 50th percentile or below on a school district-administered standardized test,
2. Received a score on a state assessment that does not meet standards in one or more of the fundamental learning areas under 105 ILCS 5/27-1, as applicable for the student’s grade level, or
3. Not met grade-level expectations on a school district-designated assessment.

“Representative” means an adult who is authorized to act on behalf of a student during a proceeding, including an attorney, parent, or guardian.

“Respondent” means a school district, school personnel, or the school that has allegedly violated Article 26A.

“School business days” means days on which the [school/district]’s main office is open.

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

“Sexual assault” or “sexual violence” means any conduct of an adult or minor child proscribed in 720 ILCS 5/11-0.1 et seq., except for 720 ILCS 5/11-35, 5/11-40, and 5/11-45, including conduct committed by a perpetrator who is a stranger to the victim and conduct by a perpetrator who is known or related by blood or marriage to the victim.

“Stalking” means any conduct proscribed in 720 ILCS 5/12-7.3, 5/12-7.4, or 5/12-7.5, including stalking committed by a perpetrator who is a stranger to the victim and stalking committed by a perpetrator who is known or related by blood or marriage to the victim.

“Student” means any child enrolled in the [school/district] who has not yet received a diploma for completion of a secondary education. “Student” includes, but is not limited to, an unaccompanied minor not in the physical custody of a parent or guardian.

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

“Student parent” means a student who is a custodial or noncustodial parent taking an active role in the care and supervision of a child and who has not yet received a diploma for completion of a secondary education.

“Support person” means any person whom the victim has chosen to include in proceedings for emotional support or safety. A support person does not participate in proceedings but is permitted to observe and support the victim with parent or guardian approval. “Support person” may include, but is not limited to, an advocate, clergy, a counselor, and a parent or guardian. If a student is age 18 years or older, the student has the right to choose a support person without parent or guardian approval.

“Survivor-centered” means a systematic focus on the needs and concerns of a survivor of sexual violence, domestic violence, dating violence, or stalking that:

1. Ensures the compassionate and sensitive delivery of services in a nonjudgmental manner;

2. Ensures an understanding of how trauma affects survivor behavior;

3. Maintains survivor safety, privacy, and, if possible, confidentiality; and

4. Recognizes that a survivor is not responsible for the sexual violence, domestic violence, dating violence, or stalking.

“Trauma-informed response” means a response involving an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators.

“Victim” means an individual who has been subjected to one or more acts of domestic or sexual violence.

Access to Supportive Measures

- 1.** In all incidents, the [school/district] will provide the complainant with supportive measures that are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant before or after the filing of a complaint. Such measures are designed to restore or preserve access to the [school/district]'s education program and activities, including measures designed to protect the safety of the complainant and the district's educational environment. Victims of domestic or sexual violence must have access to supportive measures regardless of when or where the violence for which they are seeking supportive measures occurred. Supportive measures must be offered for as long as necessary to maintain the mental and physical well-being and safety of the student. The [school/district] may periodically check on students receiving supportive measures to determine whether each support and service continues to be necessary to maintain the mental and physical well-being and safety of the student or whether termination is appropriate.
- 2.** Available supportive measures include, but are not limited to, the following:
 - a.** The ability to make up work missed on account of circumstances related to the student's status as a parent, expectant parent, or victim of domestic or sexual violence.
 - b.** A meaningful opportunity to make up any examination, study, or work requirement that the student has missed because of the inability to participate on any particular day or days or at any particular time of day.
 - c.** Provision of sufficiently private settings to ensure confidentiality and time off from class for meetings with counselors or other service providers.
 - d.** Assisting the student with a student success plan.
 - e.** Transferring a victim of domestic or sexual violence or the student perpetrator to a different classroom or school, if available.
 - f.** Changing a seating assignment.
 - g.** Implementing in-school, school grounds, and/or bus safety procedures.
 - h.** Honoring court orders, including orders of protection and no-contact orders, to the fullest extent possible.
 - i.** Providing any other supports that may facilitate the full participation in the regular education program of students.
 - j.** Homebound instruction, if available and desired by the student and their family. It is the responsibility of a student receiving homebound instruction and parent/guardian to work with the school or school district to meet academic standards for matriculation, as defined by [district policy citation inserted here] school district policy.
 - k.** School-based counseling services, if available.
- 3.** If specific types of supports, such as in-school counseling by a school employee, are not available in the school setting, schools must provide information to the student and/or their family regarding non-school-based support within the local community. Those local organizations may include, but are not limited to, an anti-domestic violence agency, a local rape crisis center, mental health care, etc. A school or school district may not request or require those outside organizations or individuals to breach confidentiality as required under state or federal law or their professional ethics codes.

4. Each school must honor a student's and a parent's or guardian's decision to obtain education and support services and non-school-based support services, to terminate the receipt of those education and support services or non-school-based support services, or to decline participation in those education and support services or non-school-based support services. No student is obligated to use education and support services or non-school-based support services. The privacy, mental and physical health, and safety of the student shall be of paramount concern in the development of educational support services. No adverse or prejudicial effects may result to any student because of the student's availing of or declining the provisions of this Section as long as the student is working with the school to meet academic standards for matriculation as defined by school district policy.

Case Procedures

Any proceeding, meeting, or hearing held to resolve complaints must protect the privacy of parties or witnesses, except as necessary to resolve the complaint or to implement interim protective measures and supportive measures, or when required by state or federal law.

Initial Case Requirements

1. The respondent must be one or more of the following: the school, the district, or school personnel.
2. Investigations and determinations must be completed as promptly as possible and without unreasonable deviation from the intended timeline.
3. Each [school/district] must have a sufficient number of individuals trained to resolve complaints (complaint resolution persons) to avoid conflict of interest or recusals of other individuals not being able to resolve some cases, to have additional individuals with no prior involvement able to resolve any appeals, and to ensure the complaint resolution procedure proceeds in a timely manner.
 - a. Complaint resolution persons must complete a minimum of eight hours of training on issues related to domestic and sexual violence and how to conduct the complaint resolution procedure (which can include in-service training required under 105 ILCS 5/10-22.39(d)) before resolving any complaints. Complaint resolution persons are required to complete six hours of such training annually thereafter.
 - b. The complainant and any witnesses must receive notice of the name of the complaint resolution person. The complainant and any witnesses will have the opportunity to request a substitution if the participation of a particular complaint resolution person poses a conflict of interest.
4. School employees who are not designated complaint resolution persons should never undertake their own investigations, including unnecessary questioning of parties and witnesses.
5. The [school/district] must consider the following factors when choosing how to proceed with each case and implementing the complaint resolution procedure: school safety, developmental level of students, methods to reduce trauma during the procedure, and how to avoid multiple communications with students involved with an alleged incident of domestic or sexual violence.

Investigations and Hearings

1. After a complaint is filed and an investigation or further actions are underway, the [school/district] must determine what interim supportive measures are available to the complainant pending the resolution of the complaint. This may include, but is not limited to, the implementation of court orders, measures delivered via

any Individualized Education Programs (IEPs) or 504 Plans, and any other accommodations the complainant may be eligible to receive. Should specific supportive measures (e.g., mental health care or counseling) not be available in school, the [school/district] must provide information to the complainant about non-school-based organizations that can provide such services.

2. Each party and witness may request and must be allowed to have a representative (including, but not limited to, an attorney, an adviser, a parent/ guardian) or a support person (including, but not limited to, a rape crisis or domestic violence advocate) of their choice to accompany them to any meeting or proceeding related to the complaint.
3. The complaint resolution person may decide whether to use the single investigator model or to use a hearing to resolve the complaint.
4. The complaint resolution person must take steps to interview all parties, view recorded forensic interviews (if applicable), review other forms of evidence (documents, electronic communications, etc.), and conduct follow-up interviews, as needed. All parties and their representatives must be notified of any meeting or interview in advance, ideally five to 10 business days in advance.
5. The complainant, regardless of the level of involvement in the complaint resolution procedure, and the respondent shall have the opportunity to provide or present evidence and witnesses on their behalf during the complaint resolution procedure.
6. A live hearing is not required. Live hearings are often not survivor-centered or trauma-informed and can be retraumatizing for students. The complaint resolution person may choose to resolve complaints via the single-investigator model or a live hearing. Factors that should be considered by the complaint resolution person in determining whether to use the single investigator model to resolve complaints or whether a hearing is necessary include but are not limited to: (i) whether a hearing would violate the survivor-centered and trauma-informed requirements under Article 26A, (ii) whether the severity of the violation(s) warrant a hearing, and (iii) whether a hearing is required as part of collective bargaining agreements or state or federal law, should a complaint involve school employee misconduct.
7. Should a hearing be held, no student who is a witness, including the complainant, may be compelled to testify in the presence of a party or other witnesses. If a witness invokes this right to testify outside the presence of the other party or other witnesses, then the [school/district] must provide an option by which each party may, at minimum, hear such witness's testimony.

Findings

1. The complaint resolution person must use the preponderance of the evidence standard to determine whether the violation occurred (e.g., whether alleged facts are more likely than not to be true).
2. The complainant, respondent, and/or any alleged perpetrators directly impacted by the decision will receive simultaneous written notification of the results of the complaint resolution procedure, including information regarding appeal rights and procedures, within 10 business days after a decision or sooner if required by state or federal law. The [school/district] and complaint resolution person also must consider how to notify student parties in a developmentally appropriate manner, in addition to the required written notification.

Appeals

1. The complainant, respondent, and alleged perpetrator, if directly impacted by the results of the complaint

resolution procedure, have the right to timely appeal the findings or remedies if a party alleges one or more of the following:

- a. A procedural error occurred,
 - b. New information exists that would have substantially changed the outcome of the proceeding,
 - c. The remedy is not sufficiently related to the finding, or
 - d. The decision is against the weight of the evidence.
2. Parties must submit their request for an appeal to the complaint resolution person via email/phone/location within 15 days of receiving the notification of the initial decision and identify the bases for their appeal.
 3. Upon receiving an appeal, the complaint resolution person will forward the appeal and all case materials to another complaint resolution person who has not previously participated in that case's resolution procedure. That person [insert title of the individual handling the appeal] will then notify each party in writing and give the parties an equal opportunity to submit a written statement in support of, or challenging, the complaint resolution person's finding.
 4. The complainant, respondent, and any alleged perpetrators directly impacted by the results of the complaint resolution procedure must receive the appeal decision, in writing, within 10 business days but never more than 15 business days after the conclusion of the review of findings or remedies or sooner if required by state or federal law.

This Model Complaint Resolution Policy was developed using resources and information from [105 ILCS 5/26A](#), [Chicago Public Schools Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation Policy](#), [Waukegan Community Unit School District #60 School Board Policies](#), and Illinois Association of School Boards' Policy Reference Education Subscription Service (PRESS) and PRESS Plus.

Training Guidance

The Training Subcommittee of the ESS Task Force met eight times – May 24, 2023; July 19, 2023; August 30, 2023; October 5, 2023; November 2, 2023; November 15, 2023; February 16, 2024; and March 1, 2024. The subcommittee was initially chaired by Tai Basurto and later by Dr. Maria Robles Sinkule. The Training Subcommittee submits the following report:

The guidance required by 105 ILCS 5/26A-15 subsection (d) is provided herein using introductory comments, two charts, and concluding comments.

The ESS law requires all schools in Illinois to train and establish an **Article 26A resource person** under Section 26A-35. This person must be employed at least part time at the school and must be a school social worker, school psychologist, school counselor, school nurse, or school administrator trained to address the needs of students who are parents, expectant parents, or victims of domestic or sexual violence in a survivor-centered, trauma responsive, culturally responsive, confidential, and sensitive manner. Article 26A-35 outlines the main duties for individuals filling this role:

1. To connect students who are parents, expectant parents, or victims of domestic or sexual violence to appropriate in-school services or other agencies, programs, or services as needed.

2. To coordinate the implementation of the school's and school district's policies, procedures, and protocols in cases involving student allegations of domestic or sexual violence.
3. To coordinate the implementation of the school's and school district's policies and procedures as set forth in provisions of this Code concerning students who are parents, expectant parents, or victims of domestic or sexual violence.
4. To assist students described in paragraph (1) in their efforts to exercise and preserve their rights as set forth in provisions of this Code concerning students who are parents, expectant parents, or victims of domestic or sexual violence.
5. To assist in providing staff development to establish a positive and sensitive learning environment for students (that are parents, expectant parents, or victims of domestic or sexual violence).

The law states that "a member of staff who is designated or appointed under subsection (a) must (i) be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence, including the theories and dynamics of domestic and sexual violence, the necessity for confidentiality and the law, policy, procedures, and protocols implementing confidentiality, and the notification of the student's parent or guardian regarding the student's status as a parent, expectant parent, or victim of domestic or sexual violence or the enforcement of the student's rights under this Code if the notice of the student's status or the involvement of the student's parent or guardian may put the health or safety of the student at risk, including the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code, or (ii) at a minimum, have participated in an in-service training program under subsection (d) of Section 10-22.39 that includes training on the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code within 12 months prior to his or her designation or appointment." Article 26A resource persons do not have an hourly training requirement, but they do have many duties outlined in statute that will require education and training.

The ESS law requires all schools in Illinois to train and establish **complaint resolution persons** under Section 26A-25, which states that "all individuals whose duties include resolution of complaints of violations of this amendatory Act of the 102nd General Assembly must complete a minimum of 8 hours of training on issues related to domestic and sexual violence and how to conduct the school's complaint resolution procedure, which may include the in-service training required under subsection (d) of Section 10-22.39, before commencement of those duties, and must receive a minimum of 6 hours of such training annually thereafter. This training must be conducted by an individual or individuals with expertise in domestic or sexual violence in youth and expertise in developmentally appropriate communications with elementary and secondary school students regarding topics of a sexual, violent, or sensitive nature." Complaint resolution persons will need adequate training to implement the complaint resolution procedure and no such training exists.

Role	Designation Requirements	Employment Requirements	Duties	Training Requirements
Article 26A Resource Person (105 ILCS 5/26A- 35)	At least one for each school	Employed at least part time, and is a licensed school social worker, school psychologist, school counselor, school nurse, or school administrator.	<ol style="list-style-type: none"> 1. Connect students who are parents, expectant parents, or victims of domestic or sexual violence to appropriate in-school services or other agencies or programs. 2. Coordinate the implementation of school and district policies, procedures, and protocols in cases involving student allegations of domestic or sexual violence. 3. Coordinate the implementation of school and district policies and procedures as set forth in provisions of this code concerning students who are parents, expectant parents, or victims of domestic or sexual violence. 4. Assist students in their efforts to exercise and preserve their rights as set forth in provisions of this code concerning students who are parents, expectant parents, or victims of domestic or sexual violence. 5. Assist in providing staff development to establish a positive and sensitive learning environment for students who are parents, expectant parents, or victims of domestic or sexual violence. 	Upon designation or appointment, must have taken the Students who are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence training (as required under subsection (d) or Section 10-22.39) within the last 12 months. Must be trained to address the needs of students who are parents, expectant parents, or victims of domestic or sexual violence in a survivor-centered, trauma responsive, culturally responsive, confidential, and sensitive manner. Must be trained to understand and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence and provide information and referrals. Must understand the theories and dynamics of domestic and sexual violence; the necessity for confidentiality; and the law, policy, procedures, and protocols implementing confidentiality. Must be familiar with notification of a student's parent or guardian regarding the student's status as a parent, expectant parent, or victim of domestic or sexual violence, and the student's rights regarding such notification, as well as the right to request to receive counseling services or psychotherapy on an outpatient basis under Section 3-550 of the Mental Health and Developmental Disabilities Code.

Role	Designation Requirements	Employment Requirements	Duties	Training Requirements
Article 26A Complaint Resolution Person(s)(105 ILCS 5/26A-25)	More than one for each school district to accommodate conflicts of interest or appeals	Not specified by Article 26A.	Conducting the school district's complaint resolution procedure.	Upon designation or appointment, must have eight hours of training on issues related to domestic and sexual violence and how to conduct the school's complaint resolution procedure, which may include the in-service training required in Section 10-22.39 covering students who are expectant parents, student parents, or victims of domestic or sexual violence, before commencement of their duties. Must complete six hours of training annually thereafter. The training must be conducted by individuals with expertise in domestic or sexual violence among youth and expertise in developmentally appropriate communications with elementary and secondary students regarding topics of a sexual, violent, or sensitive nature.

As indicated by the previous charts, each role includes a variety of duties. Some of the required trainings can be fulfilled by existing training opportunities; no training currently exists for some of the duties required to be performed by each role.

Training Title	Statutory Citation	Brief Evaluation Submitted by ESS Task Force Training Subcommittee	Suitable to Fulfill Article 26A-24 Resource Person Required Training AND 26A-25 Complaint Resolution Persons Required Training
Bullying Prevention	105 ILCS 5/27-23.7(a)	Bullying prevention is addressed in the School Code by requiring all school districts to have a bullying prevention policy. Bullying is often a precursor to sexual violence and may be associated with domestic violence. Training about bullying prevention, which is determined at the local level per a district's policy, is essential for those working with the populations that are impacted by the four focus areas of the ESS law. School districts are encouraged to consider the ESS law in the development of such a policy.	✓
Cultural Competency (including implicit bias)	105 ILCS 5/10-20.61 (as amended by Public Act 103-0542), 105 ILCS 5/10-22.39 (as amended by Public Act 103-0542), 105 ILCS 5/34-18.54 (as amended by Public Act 103-0542)	Training on implicit bias will aid Article 26A resource and complaint resolution persons in understanding any potential biases they may bring to the work they are doing in their roles and how to combat that bias. This training will help staff address racial and gender equity concerns that may come up in assisting students. Such concerns are noted as important in the legislation.	✓
Educator Ethics	105 ILCS 5/10-22.39 (as amended by Public Act 103-0542)	Training on educator ethics involves topics that include teacher-student conduct and school employee-student conduct. These topics may cross over to the four focus issues of the ESS law. The Code of Ethics for Illinois Educators (23 Ill. Admin. Code 22.20) sets a standard for educators and their responsibilities to many parties, including students and their families, that connect to the responsibilities that personnel will have under the two positions established under Article 26A.	✓

Ensuring Success in School	105 ILCS 5/10-22.39 (as amended by Public Act 103-0542)	This training has existed for many years and addresses the four focus issues covered by the ESS law, but the training required by these sections does not go into detail about how to implement the ESS law. The trainings have been moved from every two years to every five years. This training does not fully address the needs of students impacted by the four focus areas as it relates to their needs for services provided by the school, services received outside of school, the intersection between them, and the need for students to not be punished while receiving services. It is essential that Article 26A resource persons and complaint resolution persons regularly take this training and that all staff in schools pay close attention to this training as the ESS law goes into effect for the 2025-26 school year.	✓
Mandated Reporting of Child Abuse and Neglect	325 ILCS 5/4	This training is developed by the Illinois Department of Children and Family Services to educate and inform all individuals working with children about how to identify signs and symptoms of abuse and neglect, as well as how to report it. The training does not reference Article 26A of the School Code and is not designed for education personnel.	✓
Mental Illness, Trauma, & Suicide	105 ILCS 5/10-22.39 (as amended by Public Act 103-0542), 105 ILCS 5/2-3.166 (Ann Marie's Law)	Students impacted by the four focus areas may be more at risk for experiencing challenges with mental health and suicide. Two of the four focus areas in the ESS law are examples of trauma. These trainings are relevant and essential.	✓
Preventing and Responding to Child Sexual Abuse (Erin's Law)	105 ILCS 5/10-23.13 (Erin's Law) as modified by Public Act 102-0610, 105 ILCS 5/10-22.39(b-35)(as amended by Public Act 103-0542)	Erin's Law is essential training to have for all staff, including both Article 26A persons, as it should address the needs of students who have been victims of sexual abuse. The expansion of Erin's Law requires the training to include information on educator misconduct and grooming and be conducted annually before January 31 of each school year; it strengthens this training's relevance for ESS personnel.	✓
Protections and Accommodations for Students (Homelessness)	105 ILCS 5/10-22.39 (as amended by Public Act 103-0542)	As noted in the ESS Task Force Report, students impacted by the four focus areas of the ESS law may be more likely to be pushed out of their homes if not believed or supported by their parents. It is essential for Article 26A resource persons to understand students experiencing homelessness and how the services available to these students may overlap with supportive measures requested by them under the ESS law.	✓

Sexual Harassment & Discrimination	775 ILCS 5/2-109	Sexual harassment and discrimination are core issues within Article 26A and extremely relevant for both the Article 26A resource person and Article 26A complaint resolution persons.	✓
Student Discipline	105 ILCS 5/10-22.6(c-5)	As noted in the ESS Task Force Report, students impacted by the four focus areas of the ESS law may be more likely to experience exclusionary discipline; therefore, this recommended training is relevant for those interacting with all areas of the ESS law.	✓
Title IX	34 CFR Part 106	The ESS law and Title IX closely connect; schools and districts should regularly take federal Title IX training to understand how it interfaces with the ESS law within policy and practice.	✓
Trauma-Informed Practices	105 ILCS 5/3-11(b)(as amended by Public Act 103-0413)	This training is designed to provide the definition of trauma to students and how to implement trauma-informed practices. The term “trauma” and the required definition per the new law is broad. It may not specifically address the needs of students who are expectant parents, parents, or victims of domestic or sexual violence.	✓
Violence Prevention & Conflict Resolution	105 ILCS 5/10-22.39 (as amended by Public Act 103-0542), 105 ILCS 5/27-23.4		✓

NOTE: Further information about the trainings listed in this chart, including required frequency, is forthcoming after June 30, 2024, pursuant to active legislation at the time of the publishing of this report.

Gaps exist in training for school personnel involved in implementing the requirements of the ESS law. For example, the task force and this subcommittee identified that there is no annual school or districtwide training for all staff on confidentiality, and the required training that supports students who are parents, expectant parents, or survivors of domestic violence is not well known in the field. Additionally, the subcommittee found that there are currently annual requirements for school districts regarding training pertaining to sexual violence and trauma-informed practices, but trainings that would help staff to better serve expectant parent students, student parents, or students impacted by domestic violence do not currently exist. There also is no requirement for any training to include information on local resources/agencies that aid survivors of domestic and/or sexual violence or students who are parents or expectant parents.

The School Code does include requirements regarding training about implicit bias every five years, and the topic of gender equity is typically covered in Title IX trainings. The subcommittee noted that given the sensitive nature of the four focus areas of the ESS law, those filling the roles of Article 26A resource person and Article 26A complaint resolution person may want to seek out additional training and educational opportunities to understand the intersectionality of issues that impact these students, especially from racial and gender-based violence perspectives.

Some of the training required for Article 26A complaint resolution persons must be conducted by “an individual or individuals with expertise in domestic or sexual violence in youth, trauma-informed best practices, and expertise in developmentally appropriate communications with elementary and secondary school students regarding topics of a sexual, violent, or sensitive nature (105 ILCS 5/ 26A-25(b)(1).” Currently, there is no list or resource to identify individuals with such expertise.

The subcommittee found that more information is needed for the field regarding how schools can partner and collaborate with local organizations focused on working with survivors of domestic violence and sexual violence while maintaining student(s) confidentiality as required under Article 26A, as well as partner with local organizations when a student is an expectant parent or a parent. The subcommittee recommends that training also include information about how to work within other systems that might be impacting students (e.g., the criminal justice system in the case of sexual or domestic violence, or the medical system in the case of students who are expectant parents).

Much work has been done in the last few years to minimize the burden that school personnel feel regarding the numerous training mandates that exist in law. Therefore, while many gaps are noted here, the subcommittee does not recommend that filling these gaps involve the creation of new required trainings. Rather, the subcommittee suggests that training opportunities are created that can uplift the purpose of the ESS law and be strongly recommended for the two roles specified in Article 26A, as well as available statewide.

An excerpt of a sample Staff Development Policy from the Illinois Association of School Boards’ Policy Reference Education Subscription Service (PRESS) and PRESS Plus services, illustrating how ESS training requirements may be incorporated into it under the Additional Training Requirements subheading, is provided on the next page. The red text underlined is recommended language that a school board or school governed by the Illinois School Code (105 ILCS 5/ et seq., including schools operating under Article 13, 13A, 13B, 27A, 32, 33, or 34) may use in a new policy or add as a new subhead in existing policy.

Staff Development Program

The superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate any School Improvement Plans so that student learning objectives meet or exceed goals established by a district and the state.

Abused and Neglected Child Reporting Act (ANCRA) and Erin's Law Training

[Description of training required by ANCRA and Erin's Law.]

In-Service Training Requirements

The staff development program shall provide, at a minimum,...

[Numbered list of in-service trainings required by state law.]

- 1.
- 2.
3. ...

Additional Training Requirements

In addition, the staff development program shall include each of the following:

[Numbered list of additional training requirements of both state and federal law.]

- 1.
- 2.
3. ...

12. Article 26A requirements for training as follows (see policy *[insert # and name of Article 26A policy]*):

- a. For at least one employee at each school designated as the Article 26A resource person for students who are parents, expectant parents, or victims of domestic or sexual violence, training in accordance with 105 ILCS 5/26A-35(c).
- b. For all district employees who will resolve Article 26A complaints, training in accordance with 105 ILCS 5/26A-25(b).

Task Force Recommendations

The ESS Task Force respectfully concludes this report with the submission of the following recommendations:

Recommendation 1: ISBE should issue a non-regulatory guidance document to support implementation of the entirety of PA 102-0466.

- Rationale: PA 102-0466 encompasses many new requirements for schools and school districts. To effectively support the field, a frequently asked questions guidance document should be provided by ISBE by March 1, 2025, to provide schools and districts enough time to prepare to implement the law by its effective date of July 1, 2025.
-

Recommendation 2: By March 1, 2025, an Ensuring Success in School implementation training should be made available to schools to begin using for their 26A resource and complaint resolution persons, with a focus on:

- i. The purpose of the law.
 - ii. The two new roles specified in Article 26A.
 - iii. The model complaint resolution procedure.
 - iv. Understanding confidentiality as it relates to PA 102-0466.
 - v. How to refer and partner with outside agencies – a general list of the types of agencies schools can partner with.
 - vi. How to connect with experts in sexual and domestic violence to meet requirements of the law.
- Rationale: The two roles specified in Article 26A (the resource person and the complaint resolution persons) are essential to the success of the implementation of PA 102-0466. No training currently exists for either role, their duties, confidentiality, or the new complaint resolution procedure. ISBE should provide a training ahead of the law's effective date to support the field and the individuals who will be assigned to these new roles.
-

Recommendation 3: By March 1, 2025, schools should identify each Article 26A resource person and Article 26A complaint resolution person so that they are trained and ready by July 1, 2025.

- Rationale: This date is recommended to allow schools and districts enough time to prepare the school personnel who will fill these new roles. This date aligns with the other recommendations in this report that suggest that ISBE prepare a guidance document and a training regarding the requirements of these roles.

Recommendation 4: Schools and Regional Offices of Education should consider offering additional staff training pertaining to three of the four focus issues of the ESS law – students who are expectant parents, students who are parents, and students who are victims of domestic violence. Help for students who are victims of sexual violence is well covered by an annual training requirement through Erin’s Law and Faith’s Law.

- Rationale: Existing training mandates do not specifically cover the intricacies of the experiences of expectant parent students, parenting students, and students impacted by domestic violence. Schools have the ability to offer trainings about these topics to enhance staff understanding as the ESS law becomes effective.
-

Recommendation 5: ISBE should identify what resources already exist to support students impacted by the four focus issues, such as IEPs, 504 Plans, and Multi-Tiered Systems of Support, to create a bridge between Article 26A and how schools are already supporting students.

- Rationale: Many students impacted by the four focus issues of the ESS law also are impacted by other issues and existing structures. School systems have some existing procedures to assist students that may be able to integrate with supportive measures that are requested by students who are impacted by the four focus issues. More should be done to help the field understand the intersectionality of these issues and systems to help students have the most streamlined experience possible when seeking support.

Appendix 1

Student Records Request Form

Name	Student Name
Organization	Birth Date
Address	Parent/Guardian
Phone	Phone

The affixed signature (s) give (s) permission to (District/School) and to the agency/person to whom this form is addressed to exchange restricted/confidential communications and records as listed regarding the above-named individual. These communications and records are intended for use in all aspects of a student's school educational programming and are accessible for inspection and copying upon request.

This "Authorization to Exchange/Disclose Communications and Records" is valid through

Failure to sign this form will prevent the exchange/disclosure of communications and records may result in (District/School) not being able to provide the appropriate services and supports to meet your student's needs.

Type of communication being requested:

- Special Education Records (IEP, Evaluations & Assessments) 504 Records (504 Plan & Assessments)
- Transcript/Grades/Attendance Outside Evaluation and Reports Discipline Records & Reports
- Achievement and Aptitude Testing Results Health/Medical Records Email and Other Written Communication Temporary and Permanent Records School-Based Support
- Other:

These disclosures are authorized pursuant to 20 U.S.C. Section 1232g, 105 ILCS 10/1 *et seq.*, and 740 ILCS 110/1 *et seq.*,* and are to be made for the following purpose(s):

Example: (District/School) will use this information to... communicate with outside agencies/therapists for treatment plans

I understand that I have the right to inspect and copy any records and information to be disclosed, challenge their contents, and limit my consent to designated records or portions of the information or communications contained in those records. I also understand that my refusal to consent to the exchange and communications could result in a delay of educational services. This Authorization expires one year from the date indicated below. However, I understand that I have the right to revoke this consent in writing at any time.

Required Signatures:

Parent	Date
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Student	Date
Witness	Date

**Student Records
Request Form**

SAMPLE