

Ensuring Success in School

Public Act 102-0466

(as amended by

Public Act 104-0803)

Frequently Asked Questions

Non-Regulatory Guidance

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Overview

[Public Act 102-0466](#), or the Ensuring Success in School (ESS) law, went into effect July 1, 2025. Recent legislation, [Public Act 104-0803](#), reset most of the deadlines set forth in the law to “on or before July 1, 2026.” Note that because Public Act 104-0803 was not signed into law until Aug. 7, 2026, any July 1, 2026, deadline specified within the act takes effect on Aug. 7, 2026. This guidance thus references August 7 as the deadline for most requirements within the ESS law. Districts are recommended to implement the requirements of the law as quickly as possible.

ESS 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
4. Students who are victims of sexual violence

ESS outlines how the occurrence of pregnancy, parenting, and domestic and sexual violence involving students shall be considered in matters of:

- Disciplinary hearings
- Home instruction
- Truancy
- New protections created under Article 26A of the Illinois School Code. Such protections include:
 - Required supportive measures if requested by a 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
 - Two new school personnel roles to support this law

New Requirements for Districts

Q1: What are the primary new requirements for school districts outlined in Article 26A?

- School districts are required by Aug. 7, 2026 (and every two years thereafter) to review and revise all existing policies and procedures that may have acted as a barrier to any student who is a parent, expectant parent, or victims of domestic or sexual violence (Section 26A-20).
- School districts are required by Aug. 7, 2026, to create new policies if their existing policies do not sufficiently support student parents, expectant parents, and victims of domestic or sexual violence (Section 26A-20).
- On or before Aug. 7, 2026, school districts are required to adopt a procedure to resolve complaints of violations of Public Act 102-0466 (Section 26-25(a)). Individuals responsible for the resolution of such complaints must complete initial and continuing training (Section 26A-25(b)).
 - The procedure must ensure that all information concerning a student's status and related experiences as a parent, expectant parent, or victim or named perpetrator of domestic or sexual violence is retained in the strictest of confidence (Section 26A-30).
- Subject to the terms of any existing collective bargaining agreement, school districts are required by Aug. 7, 2026, to designate or appoint at least one staff person at each school who is a school social worker, nurse, psychologist, counselor, or administrator to address the needs of any student who is a parent, expectant parent, or victim of domestic or sexual violence. This person's duties and training requirements are described in the new law (Section 26A-35).
- Schools must provide in-school support services and information regarding non-school based support services and allow students who are parents, expectant parents, or victims of domestic or sexual violence to make up work. These supports and services must be offered for as long as necessary to maintain the mental and physical well-being and safety of the student (Section 26A-40).

Policies and Procedures

Q1: What are the general policy and procedure requirements set forth in ESS?

School districts must review and revise all existing policies and procedures to eliminate potential barriers to the immediate enrollment and reenrollment, attendance, graduation, and overall success of students who are parents, expectant parents, or victims of domestic or sexual violence. Policies or procedures that may compromise a criminal investigation relating to domestic or sexual violence or may re-victimize students must also be revised. In addition, districts must adopt new policies and procedures necessary to implement Article 26A and ensure that immediate and effective steps are taken to respond to students who are parents, expectant parents, or victims of domestic or sexual violence (Section 26A-20(a)).

Q2: Are school districts required to create new policies and procedures?

Yes, when necessary. If existing policies are insufficient, school districts must adopt new policies and procedures to implement ESS and to ensure that immediate and effective steps are taken to support students who are parents, expectant parents, or victims of domestic or sexual violence (Section 26A-20(a)).

Q3: How often must school districts review their policies and procedures?

The first comprehensive review of policies and procedures must occur by Aug. 7, 2026, and every two years thereafter (Section 26A-20(a)).

Q4: What must school districts look for when reviewing policies and procedures?

Districts must identify and revise any policies that:

- Act as barriers to immediate enrollment, reenrollment, attendance, graduation, or success in school for students who are parents, expectant parents, or victims of domestic or sexual violence (Section 26A-20(a));
- May compromise a criminal investigation related to domestic or sexual violence (Section 26A-20(a));
- Could re-victimize students who are parents, expectant parents or victims of domestic or sexual violence (Section 26A-20(a));
- Examples of policies and procedures that districts may wish to review include:
 - Enrollment and residency procedures;
 - Attendance and excused absence policies;
 - Discipline policies and practices;
 - Procedures for responding to reports of domestic or sexual violence;
 - Confidentiality and student record practices;
 - Academic support and accommodation procedures;
 - Complaint and grievance procedures;
 - Safety planning and student support protocols.

Q5: What specific revisions should be made to absenteeism and truancy policies and procedures?

Attendance and truancy policies should be carefully reviewed because Article 26A requires school districts to revise policies and procedures that act as barriers to the attendance of students that are parents, expectant parents or victims of domestic or sexual violence. School districts and other defined entities are required under Section 22-92 of the School Code to develop and communicate an absenteeism and truancy policy that includes certain elements prescribed in law. When reviewing those policies under Article 26A, school districts should determine whether their existing attendance and truancy requirements create unnecessary barriers for covered students. Existing policies may create challenges for these students impacted by the four ESS issue areas, particularly those that automatically penalize students or trigger truancy interventions after a set number of excused absences (e.g., fifth absence triggers a truancy referral or disciplinary action), so school districts may have to revise their policies to conform with the requirements of Article 26A (Sections 22-92; 26A-20(a)).

Districts should review whether their absenteeism and truancy policies:

- Automatically trigger truancy referrals, disciplinary consequences, or other interventions after a specified number of absences without considering circumstances related to pregnancy, parenting responsibilities, or issues related to domestic or sexual violence
- Require documentation that may be difficult or unsafe to obtain for a student experiencing domestic or sexual violence
- Provide sufficient flexibility regarding make-up work and other attendance-related academic requirements when absences are connected to pregnancy, parenting responsibilities, or issues related to domestic or sexual violence
- Respond to attendance concerns in a way that supports continued school attendance rather than creating additional barriers to attendance for these students

Q6: What additional policies and procedures may need revision to align with the requirements in Article 26A?

In addition to absenteeism and truancy policies, districts should review policies and procedures governing:

- 1. Enrollment and Reenrollment.** Districts should review enrollment, reenrollment, residency, and transfer procedures to ensure they do not create unnecessary barriers for students who are parents, expectant parents, or victims of domestic or sexual violence. Procedures should support timely enrollment and continued school participation consistent with Article 26A and related School Code provisions. Examples of provisions that should be reviewed include:
 - a. Requirements that a student withdraw from school because of pregnancy, parenting status, marriage, or a change in living arrangements;
 - b. Enrollment procedures that delay a student's return to school while the district waits for records from a previous school;
 - c. Residency procedures that do not account for students who are temporarily living in a different location because of domestic or sexual violence;
 - d. Transfer procedures that require students to obtain documentation or approvals that may be difficult to secure because of safety concerns.

2. **Graduation.** Policies that prevent students from graduating or participating in graduation ceremonies based on excessive absences must be revised if they do not accommodate students who were absent for protected reasons under ESS.
3. **Counseling and Reporting.** Districts should review policies governing student records, disclosures, communication with parents/guardians, and other information-sharing practices to ensure compliance with the confidentiality requirements of Section 26A-30. Improper disclosures, especially to the perpetrator, the perpetrator's family, or any other person named by the student or their parent/guardian to be unsafe, can compromise ongoing criminal investigations and re-victimize students (Section 26A-30(d)).
4. **Discipline.** Policies and procedures will have to be revised if they do not reflect the changes in ESS for disciplinary proceedings. These include consideration of mitigating factors, with special attention to students who are parents, expectant parents, or victims of domestic or sexual violence; and permitting representatives and support persons to participate in such proceedings.

Q7: Are there model policies and procedures that districts can reference for updating their policies and procedures or creating new ones?

Yes. Public Act 102-0466 required the Ensuring Success in School Task Force (ESS Task Force) to adopt model policies and procedures, which have been published in the [2024 Ensuring Success in School Task Force Report](#). District policies must be consistent with these model policies and procedures.

Q8: What must be included in a district's policy on the procedures a student or their parent/guardian may follow to report an alleged incident of domestic or sexual violence?

At a minimum, policies and procedures for reporting an alleged incident of domestic or sexual violence must include:

- The name, title, and contact information for domestic or sexual violence and parenting resource personnel, the Title IX coordinator, school and district resource officers or security, and community-based domestic or sexual violence organizations
- The name and contact information for confidential resources and a description of what confidential reporting means
- An option for students or their parents/guardians to electronically, anonymously, and confidentially report incidents
- An option for third parties and bystanders to report incidents
- Clear guidelines on the various individuals, departments, or organizations to whom a student may report an incident of domestic or sexual violence; and for each, the extent of their reporting obligation to the school's or district's administration, Title IX coordinator, or other personnel or entity; their ability to protect the student's privacy; and their ability to have confidential communications with the student or their parent/guardian
- A complaint resolution procedure in accordance with Section 26A-25 (Section 26A-20(c))

Examples of how districts may satisfy these requirements include:

- Providing a dedicated online reporting form that allows anonymous reporting
- Including a chart or matrix identifying available reporting options and whether each person is a confidential resource, a mandated reporter, or required to notify the Title IX coordinator
- Listing local community-based domestic violence and sexual violence organizations and their contact information
- Explaining, in plain language, who will receive a report, when information may need to be shared, and when confidentiality may be limited by law
- Providing clear instructions for students, parents/guardians, third parties, and bystanders on how to submit a report

Q9: How must school districts communicate their revised policies and procedures to students and families?

School districts must post revised policies and procedures on their websites and distribute them to all students at the beginning of each school year. They must also make printed copies available at no cost to students and their parents/guardians at each school within the district.

Q10: Who can students or parents contact for more information?

Students and parents should contact their school's attendance office, guidance counselor, local Title IX coordinator, or district administration to obtain further information. Additional resources may be available through local victim services or school-based support programs.

Disciplinary Proceedings

Q1: What should school districts do to ensure that their disciplinary policies and procedures comply with the new law?

School districts should update their disciplinary policies and procedures to ensure they reflect the changes made by Article 26A and Section 10-22.6 of the School Code.

- Allow students to present mitigating factors, with specific attention to students who are parents, expectant parents, or victims of domestic or sexual violence
- Permit representatives and support persons to participate during suspension review and expulsion proceedings, including hearings, with clear rules of conduct that do not unfairly restrict their ability to support the student
- Review policies governing the enrollment of suspended or expelled transfer students to ensure mitigating factors are considered when required by Section 10-22.6
- If adopting a policy for transfer of students with suspensions or expulsions to alternative school settings, include consideration of mitigating factors, particularly for vulnerable student populations

Q2: How does Public Act 102-0466 address mitigating factors in the context of disciplinary proceedings?

ESS allows students to disclose any mitigating factors in suspension review or expulsion hearings, including the fact that they are pregnant, parenting, or a victim of domestic or sexual violence (Section 10-22.6(b-35)). As a result, districts should ensure that disciplinary policies, procedures, and hearing practices allow students an opportunity to present information they believe is relevant to mitigation and that decision-makers consider that information when determining an appropriate outcome.

Q3: Can students who are parents, expectant parents, or victims of domestic or sexual violence have representation or a support person during disciplinary proceedings?

Yes, ESS requires districts to permit students to have a support person or representative for disciplinary proceedings. Under ESS, a student must be allowed to have a representative or support person throughout suspension or expulsion proceedings to advocate on their behalf (Section 10-22.6(b-35)).

Q4: Who can serve as a representative of the student?

Representatives are selected by the parent or guardian (or by the student, if they are emancipated) (Section 10-22.6 (b-35)). The representative can include, but is not limited to, a legal advocate, attorney, family member, friend, mentor, case manager, counselor, or any other trusted individual.

Q5: Who can serve as a support person for the student?

A support person can be any individual approved by the parent or guardian (or by the student, if they are emancipated), to provide emotional support and assistance during disciplinary proceedings. A support person can include, but is not limited to, a counselor, mentor, or friend. Schools and districts can facilitate the selection of a support person to assist the student or family during the hearing.

Q6: Are there any restrictions on the participation of representatives or support persons?

Yes. Representatives and support persons must comply with any rules of the school district's hearing process. They may be prohibited from further participation in a hearing or proceeding if they engage in harassment, abuse, or intimidation of any party involved (Section 10-22.6(b-35)). Districts should ensure that any rules governing the participation of representatives or support persons are applied consistently and do not prevent students from meaningfully exercising their right to have a representative or support person present during the proceeding.

Q7: Can a student's pending or possible criminal charges be considered a factor in school disciplinary decisions?

No. A suspension or expulsion proceeding must be conducted independently of any ongoing criminal investigation or proceeding. Districts should make disciplinary decisions based on their own policies, procedures, and evidence rather than the existence or outcome of criminal charges (Section 10-22.6(b-35)).

Q8: Can a school consider the *absence* of criminal charges or an ongoing investigation when deciding on discipline?

No. The fact that a student has not been charged with a crime or that there is no ongoing criminal investigation cannot be used to influence the school's disciplinary decision. Districts should make disciplinary decisions based on their own policies, procedures, and evidence. The absence of criminal charges or the outcome of a criminal case should not determine the outcome of the disciplinary decision (Section 10-22.6(b-35)).

Q9: Are school districts required to adopt a policy regarding the transfer of students with suspensions or expulsions to alternative school settings for the duration of their suspension or expulsion term?

No, this is optional. However, if a district does adopt such a policy, ESS now requires that it include a provision allowing for consideration of any mitigating factors, including, but not limited to, a student's status as a parent, expectant parent, or victim of domestic or sexual violence (Section 10-22.6(g)).

Protections for Students Impacted by Domestic or Sexual Violence

Q1: Are victims of domestic or sexual violence allowed to transfer to another school?

Yes. A student who is the victim of domestic or sexual violence may request a transfer to another school immediately and if the current location poses a risk to the student's mental or physical well-being or safety. The school district may require a student to verify his or her claim of domestic or sexual violence under Section 26A-45 before approving the transfer to another school. A student who transfers for this reason must have full and immediate access to extracurricular activities, sports, and other programs (Section 26A-40(b)(iii)).

Q2: How do these changes affect suspension review or expulsion hearings that involve allegations of sexual violence or domestic violence?

In cases involving allegations of domestic or sexual violence by the student who is subject to discipline, neither the accused student nor their representative can directly question or have direct contact with the alleged victim. They may, however, suggest questions to be asked by the school board or hearing officer, ensuring a fair process for both parties (Section 10-22.6(b-40)).

Q3: Can a school require a student to provide proof that they are a victim of domestic or sexual violence?

Yes. A school district may require a student to provide verification of domestic or sexual violence before providing certain accommodations or supports under Article 26A. Any verification requested by the district must comply with Section 26A-45. Districts should not require more documentation than is reasonably necessary and should handle all information in a confidential manner. (Section 26A-45).

Q4: Must a school wait for a criminal investigation or criminal charges before providing protection to a student who reports domestic or sexual violence?

No. A student's access to protections, support, or accommodations under Article 26A does not depend on the filing of criminal charges or the existence of a criminal investigation. Schools should respond according to their obligations under the School Code and district policies. (Sections 26A-20 and 26A-40).

Absences

Q1: What new causes for absence did ESS add to the definition of “valid cause” for absence set forth in Section 26-2a of the School Code?

ESS expanded the definition of "valid cause" for absence to include:

- Attendance at a verified medical or therapeutic appointment or with a victim services provider
- Fulfilling parent responsibilities for students who are expectant parents or parents
- Addressing circumstances resulting from domestic or sexual violence for students who are victims of such violence (Section 26-2a)

Q2: Are there limitations on how many days a student may be absent for these reasons?

No, Section 26A does not establish a specific limit of absences for these valid causes. However, school districts are required to maintain truancy and absenteeism policies and may set reasonable requirements to verify absences, particularly for prolonged or consecutive absences. Please refer to the [Policies and Procedures](#) section of this guidance for more information regarding district policies on absenteeism and truancy.

Q3: What documentation may be required for absences related to domestic or sexual violence?

A school district may require verification for absences of three or more consecutive days related to domestic or sexual violence under Section 26A-45. Acceptable documentation may include:

- A statement from a victim services provider
- Medical records or a statement from a health care provider
- Police reports, court records or legal documents
- Any other credible evidence demonstrating the student's need for absence

Q4: Do students need to provide advance notice for these absences?

Not always. Whenever possible, students or their parents/guardians should notify the school in advance. However, notification may be given as soon as practicable when there is an emergency or situation beyond the student’s control. In those situations, notification may be provided according to the district's attendance procedures once the absence has occurred.

Q5: How should schools support students affected by these new provisions?

Schools should take steps to ensure that students who are parents, expectant parents, or victims of domestic or sexual violence can continue to access educational opportunities and school-based support. Recommended practices include:

- Providing clear guidance on how students can report and verify absences

- Ensuring confidentiality and sensitivity when handling absences related to domestic or sexual violence
- Offering academic support to help students keep up with coursework after extended absences
- Designating a point of contact (e.g., counselor, administrator) for students needing assistance

Q6: Can a school deny an absence request under these new provisions?

A school district must recognize the valid causes specified in the law but may request verification for extended absences (three or more consecutive days for absences related to domestic or sexual violence). If the district determines that an absence does not meet the requirements of the School Code or that required verification has not been provided, the absence may be addressed in accordance with the district's attendance policies (Sections 26-2a and 26A-45).

Q7: How does this law affect attendance policies?

Districts must update their attendance policies to align with the expanded definition of valid cause for absence. Policies should reflect the law's provisions and ensure that students are not penalized for excused absences. Please refer to the [Policies and Procedures](#) section of this guidance for more information.

Home Instruction

Q1: What does Section 10-22.6a require school districts to provide in terms of home instruction?

This section requires school districts to provide home instruction, correspondence courses, or other courses of instruction for students who are unable to attend school due to pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations, or health and safety concerns related to domestic or sexual violence. The instruction provided must be designed to offer educational experiences equivalent to those provided to students at the same grade level and to support the student's return to the classroom.

Q2: When must a school district provide home instruction?

A school district must provide home instruction, correspondence courses, or other courses of instruction in the following circumstances:

- **Before the birth of a child**, if the student's physician, physician assistant, or advanced practice registered nurse provides written certification that the student is medically unable to attend school
- **For up to three months following the birth of a child or miscarriage**
- **When caring for an ill child**, if:
 - The child's physician, physician assistant, or advanced practice registered nurse certifies in writing that the child has a serious health condition requiring the student to be absent for two or more consecutive weeks, and
 - The student or their parent/guardian provides written confirmation that the student is needed to provide care
- **When the student requires medical or safety-related care due to domestic or sexual violence**, if a health care provider or an employee of the student's domestic or sexual violence support organization provides written documentation that the care is necessary and will cause the student to be absent for two or more consecutive weeks (Section 10-22.6a(a))

Q3: What documentation is required for a student to receive home instruction?

The documentation that is required depends on the reason the student is unable to attend school:

- **Pregnancy-related absences before the birth of a child:** Written documentation from the student's physician, physician assistant, or advanced practice registered nurse stating that the student is medically unable to attend regular classroom instruction
- **Caring for an ill child:** Written documentation from the child's physician, physician assistant, or advanced practice registered nurse stating that the child has a serious health condition requiring the student's absence from school for two or more consecutive weeks, along with written notice from the student or the student's parent/guardian that the student is needed to provide care
- **Physical or mental health complications or safety concerns arising from domestic or sexual violence:** Written documentation from a health care provider or an employee of a domestic or sexual violence organization stating that the care is needed and will require the student's absence from school for two or more consecutive weeks

Q4: How long can a student receive home instruction?

The length of the home instruction depends on the reason it is provided:

- A student may receive home instruction before the birth of a child when the student's physician, physician assistant, or advanced practice registered nurse has determined that the student is medically unable to attend regular classroom instruction.
- A student may receive home instruction for up to three months following the birth of a child or a miscarriage.
- A student caring for an ill child may receive home instruction for as long as the statutory eligibility requirements continue to be met.
- A student experiencing physical or mental health complications or safety concerns arising from domestic or sexual violence may receive home instruction for as long as the statutory eligibility requirements continue to be met.

Q5: May a school district reassess a student's need for home instruction?

Yes. A school district may reassess the need for home instruction under paragraph (3) (care for an ill child) or paragraph (4) (medical/safety concerns due to domestic or sexual violence) every two months to determine if continued instruction is necessary (Section 10-22.6a(a)).

Q6: What are the requirements for the instructional program?

Home instruction, correspondence courses, or other courses of instruction provided under Section 10-22.6a must be comparable to the educational experiences offered to students at the same grade level in the district and must be designed to facilitate the student's return to the regular classroom as soon as appropriate (Section 10-22.6a(a)).

Q7: Can a student be penalized for participating in home instruction?

No. A student cannot be penalized for grading purposes or denied course completion, a return to regular classroom instruction, grade-level advancement, or graduation solely because they participated in home instruction or were absent from regular classes during the home instructional period (Section 10-22.6a(b)).

Q8: Can a school district use home instruction as a substitute for support services?

No. Schools must continue to provide support services that allow pregnant or parenting students and victims of domestic or sexual violence to attend regular classroom instruction, whenever possible. Home instruction cannot be used as a replacement for such support.

Q9: Can a district refuse to provide home instruction if a student qualifies under this section?

No. If a student meets the criteria outlined in Section 10-22.6a and provides the necessary documentation, the school district must provide appropriate instruction.

Q10: How is home instruction under Section 10-22.6a different from other remote learning options?

Home instruction under Section 10-22.6a is distinct because it is a mandatory, individualized service triggered by a student's specific life circumstances — pregnancy, parenting obligations, or safety/health concerns

related to domestic or sexual violence. If eligibility and documentation requirements are met, the district must provide instruction without discretion. This is different from other remote learning options under Illinois law, including:

- **Home/Hospital Instruction (Section 14-13.01):** Provided to students with a medical condition that requires absence from school for at least 10 consecutive school days or ongoing intermittent absences that total at least 10 days during a school year. A physician licensed to practice medicine in all of its branches, a licensed physician assistant, or a licensed advanced practice registered nurse must certify the student's medical need. Homebound instruction typically involves one hour per day of instruction at the elementary level and two hours per day at the secondary level. It is a medical accommodation and focuses on maintaining academic progress during an extended medical absence.
- **Remote Educational Programs (Section 10-29):** Optional district-developed remote programs requiring a board policy. These are not automatically available to students and must meet state standards for curriculum, technology access, and student monitoring.
- **E-Learning Days (Section 10-20.56):** Authorized to replace proposed emergency days (such as snow days) under an ROE-verified district e-learning plan. E-learning days are short term and apply to the entire student body.
- **Emergency Days with Remote Instruction (Section 10-30 and Section 34-18.66):** Temporary remote instruction permitted during a declared public health emergency or disaster. This option is applied districtwide and does not guarantee individualized services.

Home instruction under Section 10-22.6a has key differences from all other options outlined above as it:

- Is not limited to medical absences or hospitalization
- Is based on pregnancy, parenting, or violence-related needs
- Requires no discretionary district approval
- Must be equivalent to the student's regular educational program and designed to facilitate return to the classroom
- Protects the student from grading penalties, delayed graduation, or academic setbacks

Refer to ISBE's [Remote Learning Options Under Illinois Law guidance](#) for a full comparison of these options.

Special Education Services

Q1: What are the obligations of the school district if a student receiving home instruction has an Individualized Education Program (IEP)?

If a student receiving home instruction has an IEP, the school district is still responsible for providing special education and related services as outlined in the student's IEP. This includes:

- Instruction tailored to meet the student's specific needs;
- Specialized services, such as speech therapy, occupational therapy, or counseling, if required by the IEP;
- Accommodations and modifications necessary for the student's success.

Q2: Must home instruction for a student with an IEP include services required under the IEP?

Yes. Home instruction must include special education services and any related services necessary to implement the student's IEP. The school district must ensure that:

- The student continues to receive a free appropriate public education as required under the Individuals with Disabilities Education Act;
- Instruction is aligned with the student's IEP goals and accommodations;
- The student has access to necessary assistive technology or other supports outlined in their IEP.

Q3: How should a school district determine the appropriate home instruction plan for a student with an IEP?

The student's IEP team must convene to determine how the IEP will be implemented during home instruction. The team should:

- Modify the delivery of services, if necessary, while ensuring the student continues to receive appropriate instruction;
- Determine how progress toward IEP goals will be monitored;
- Consider whether additional supports, such as extended school year services, will be necessary to address gaps in instruction.

Q4: What if a student with an IEP requires home instruction beyond the typical duration outlined in the law?

The expiration of a home instruction period under Section 10-22.6a does not relieve a school district of its obligations under the Individuals with Disabilities Education Act. If a student with an IEP requires additional support or services, the student's IEP team must meet to review the student's needs and determine how the district will continue to provide a free appropriate public education.

Depending on the student's individual needs, the IEP team may consider:

- Revisions to the student's IEP, including accommodations, modifications, or related services;
- Additional support to facilitate the student's return to the regular educational setting;
- Alternative placements or service delivery options, if appropriate;
- Whether compensatory services, extended school year services, or other supports are necessary.

Any decisions regarding services for a student with an IEP must be made through the IEP team process and in accordance with applicable federal and state special education requirements.

Complaint Resolution Procedures

Q1: What is the purpose of the complaint resolution procedure under Section 26A-25?

The purpose of this procedure is to establish a structured and fair process for resolving complaints alleging violations of ESS. The procedure is intended to promote timely resolution of complaints in a manner that prioritizes student safety, confidentiality, and timely resolution while minimizing trauma for those involved.

Q2: What is the deadline for school districts to adopt their complaint resolution procedure?

School districts must adopt their complaint resolution procedure by Aug. 7, 2026

Q3: Who is the “complainant” in a report of an alleged violation of Article 26A?

In most cases a “complainant” will be 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 Article 26A (105 ILCS 5/Art. 26A). To the extent that the complainant is a minor student, the student’s parent/guardian may submit a complaint on behalf of their child.

Q4: Who can be named as a respondent in a complaint?

The respondent in a complaint pursuant to Section 26A-25 of ESS must be one or more of the following:

- The school,
- The school district, or
- School personnel .

Q5: What are the key elements that must be included in a school district’s complaint resolution procedure?

At a minimum, a school district’s complaint resolution procedure must include:

- An opportunity to consider the most appropriate means of carrying out the procedure taking into account school safety, student developmental levels, 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;
- Protection of the privacy of parties and witnesses involved;
- An opportunity for complainants to request the process begins and ends promptly.

Q6: How must schools ensure the privacy of the participating parties and witnesses involved in a complaint?

Any proceeding, meeting, or hearing conducted to resolve a complaint must protect the privacy of participating parties and witnesses. Schools, school districts, and school personnel may not disclose the identity of participating parties or witnesses except as necessary to resolve the complaint or implement interim protective measures and support services or when required by state or federal law.

Q7: Who is responsible for resolving complaints pursuant to Section 26A-25 of ESS?

Each school district must designate properly trained individuals to resolve complaints of violations of Article 26A. The statute does not identify a minimum number of ESS complaint resolution individuals, but each district must designate a sufficient number of trained individuals required by Section 26A to ensure that:

1. A substitution can occur in the case of a conflict of interest or recusal;
2. An individual with no prior involvement in the initial determination or finding is available to hear any appeal brought by a party;
3. The complaint resolution procedure proceeds in a timely manner.

Q8: How can conflicts of interest be addressed in the complaint resolution process?

To help ensure an impartial complaint resolution process, complainants and witnesses should be informed of the individual assigned to resolve the complaint before that individual makes any contact with them and should be allowed to request a substitution if any potential conflict exists.

The individual who handled the initial intake of the complaint should not serve as the individual responsible for resolving the complaint. Any appeal should be reviewed by an individual who was not involved in any prior stage of the complaint resolution process (i.e., intake, investigation, or resolution of the complaint).

Q9: What standard of evidence must be used when determining responsibility for harm?

Article 26A does not prescribe a specific standard of evidence for complaint resolution. However, the ESS Task Force recommended that schools use the preponderance of the evidence standard when determining whether a violation occurred. Under this standard, the evidence must demonstrate that it is more likely than not that the incident occurred.

Q10: Can parties or witnesses directly question one another during proceedings?

Article 26A does not specifically address whether parties or witnesses may directly question one another during the complaint resolution process. However, the ESS Task Force recommended that the complainant, respondent, and witnesses may not directly question one another. Instead, a party may propose questions for the individual resolving the complaint who will determine whether to ask them based upon the appropriateness and relevance of the question(s) submitted.

Q11: Are live hearings required as part of the resolution procedure?

No, Article 26A does not require school districts to conduct live hearings as part of their complaint resolution procedures.

However, the ESS Task Force recommended procedures to be followed if a district elects to hold a hearing. If a hearing is held, student witnesses, including complainants, should not be compelled to testify in the presence of a party or other witnesses. Schools must, however, provide a means for all parties to hear witness testimony if a witness opts to testify separately.

Q12: Can students have support persons or representatives during the complaint process?

Article 26A does not specially address whether parties or witnesses may be accompanied by a representative or a support person during the complaint resolution process. However, the ESS Task Force recommends that any party or witness be permitted to have a representative or support person present during any meeting or proceeding related to the alleged violence or violation of ESS, subject to the following:

- The involvement of the representative or support person cannot result in undue delay of the meeting or proceeding;
- The representative or support person must comply with any rules of the school district's complaint resolution procedure;
- If a representative or support person engages in harassment, abuse, or intimidation of any party, witness, or the individual resolving the complaint, they may be removed from proceedings.

Note: Separate provisions apply to suspension review hearings and expulsion hearings. Under 105 ILCS 5/10-22.6(b-35), eligible students may have a representative and a support person present during disciplinary proceedings

Q13: What rights do complainants and respondents have during the process?

Complainants and respondents must be given the opportunity to:

- Provide or present evidence and witnesses on their behalf during the complaint resolution process;
- 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 or district procedure). Note that this information must also be provided to any named perpetrator directly impacted by the results;
- Appeal findings or remedies under specific circumstances, including procedural errors, new evidence, or findings that are against the weight of the evidence.

Q14: What are the permissible bases for appeal of a complaint pursuant to Section 26A-25 of ESS?

The statute provides that the complainant, respondents, and named perpetrator, if directly impacted by the results of the complaint resolution procedure, must have the right to appeal if a party alleges (i) a procedural error occurred, (ii) new information exists that would substantially change the outcome of the proceeding, (iii) the remedy is not sufficiently related to the finding, or (iv) the decision is against the weight of the evidence.

Q15: What is the timeline for issuing a decision on appeals?

Section 26A-25(f) provides that the complainant and respondent and any perpetrators directly impacted by the results of the complaint resolution procedure must receive the appeal decision, in writing, within 15 business days after the conclusion of the review of findings or remedies. If another law — such as federal or state special education law, discipline procedures, or civil rights regulations — requires a decision within a shorter period, the shorter timeline governs.

Q16: What interim protective measures and support services must be provided?

Each district must establish a process for determining and implementing interim protective measures and support services, including compliance with court orders, while a complaint is pending resolution.

ESS Personnel: Qualifications, Training, and Responsibilities

Q1: What qualifications are required for an ESS complaint resolution person?

ESS does not require a school district to assign complaint resolution responsibilities to a specific position or job title. School districts have flexibility to determine which individuals will serve in this role, provided those individuals complete the required training before assuming complaint resolution duties and receive training annually thereafter.

Districts must also ensure that a sufficient number of trained complaint resolution personnel are available to:

- Address conflicts of interest or recusals;
- Hear appeals when an individual with no prior involvement in the initial determination is required; and
- Ensure the timely resolution of complaints.

Q2: What qualifications are required for an ESS resource person?

ESS resource persons 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.

Q3: What are the training requirements for ESS complaint resolution persons?

A school district must determine the individuals who will resolve complaints alleging violations of ESS. ESS complaint resolution individuals must complete training **before** assuming their duties and annually thereafter.

The training must:

- Cover issues related to domestic and sexual violence and how to conduct the school's complaint resolution procedure;
- Be conducted by experts in youth domestic and sexual violence and developmentally appropriate communication with elementary and secondary school students on sensitive topics, and may include an individual who is a certified domestic violence advocate or a school-based mental health professional;
- Ensure a sufficient number of trained individuals are available to handle conflicts of interest, appeals, and timely resolution.

No single statewide training currently exists for ESS complaint resolution personnel. Districts have the flexibility to determine how to provide the training required under ESS, provided that the training addresses issues related to domestic and sexual violence and the district's complaint resolution procedures.

Q4: What are the training requirements for the ESS resource persons?

The person who is designated or appointed as the ESS resource person must either be trained to understand, address, and provide information on and referrals for issues affecting youth who are parents, expectant parents or victims of domestic or sexual violence, including topics identified in Section 26A-35(b), or at a minimum, have participated within the previous 12 months in a training program under Section 10-22.39 that includes training on the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Development Disabilities Code.

No single training currently exists for all of the duties required to be performed by this role. Districts have the flexibility to determine how to provide the training required under ESS, provided that the training addresses issues related to domestic and sexual violence and the district's complaint resolution procedures.

Q5: What are the responsibilities of the designated or appointed ESS resource person (one per school building) to students who are parents, expectant parents, or victims of domestic or sexual violence?

- 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;
- Coordinate the implementation of the school's/district's policies, procedures, and protocols in cases involving student allegations of domestic or sexual violence;
- 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;
- 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 Article 26A (105 ILCS 5/26A);
- 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.

Definitions

Consent includes, at a minimum, a recognition that consent is freely given agreement to sexual activity. An individual's lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent. An individual's manner of dress does not constitute consent. An individual's consent to past sexual activity does not constitute consent to future sexual activity. 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. An individual can withdraw consent at any time, and 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.

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 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.

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.

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

- Ensures the compassionate and sensitive delivery of services in a nonjudgmental manner;
- Ensures an understanding of how trauma affects survivor behavior;
- Maintains survivor safety, privacy, and, if possible, confidentiality;
- Recognizes that a survivor is not responsible for 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.

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