

Education

Education Basics

Question: What are my rights to education if I am experiencing homelessness or do not have a regular place to sleep?

Answer: You have the same right to receive a free public education as any other student. Federal law, specifically the [McKinney-Vento Act](#), as amended by the [Every Student Succeeds Act of 2015](#) (“ESSA”), and the [Illinois Education of Homeless Children Act](#) provide special protections for homeless students. If you are experiencing homelessness and need more assistance in understanding your education rights or need legal advice, contact the Law Project at the Chicago Coalition for the Homeless at (800)-940-1119 or visit the website at www.chicagohomeless.org. For more information about education rights for homeless children, visit the [Illinois State Board of Education website](#).

Question: Do I meet the definition of "homeless"?

Answer: You are considered homeless under the [McKinney-Vento Act](#) if you lack "a fixed, regular, and adequate nighttime residence." This includes:

- living with a friend, relative, or someone else because you lost your housing, or cannot afford your own housing, due to economic or hardship or a similar reason (commonly referred to as "doubled-up");
- living in a motel, hotel, trailer park, or campground because you have nowhere else to go;
- living in a shelter, including emergency or transitional shelters, domestic violence shelters, and runaway and homeless youth shelters;
- living in substandard housing;
- living in places not ordinarily used for sleeping, such as cars, parks, public places, abandoned buildings, or bus or train stations;
- abandoned in a hospital.

Note: ESSA removed children “awaiting foster care placement” from the definition of “homeless children and youths.” Therefore, children awaiting foster care placement are not considered

Homeless unless they otherwise meet the definition of homeless under McKinney-Vento Homeless Assistance Act.

Question: Is there a time limit on how long I can be considered homeless?

Answer: No. There is no specific time limit placed on how long a student can be considered homeless. You are eligible for assistance under the [McKinney-Vento Act](#) and the [Illinois Education for Homeless Children Act](#) for as long as you remain homeless and until the end of the academic year in which you locate permanent housing.

Question: I am not living with a parent or guardian; do I still qualify?

Answer: Yes. The [McKinney-Vento Act](#) will protect you if you are homeless and not living with a parent or guardian. You are considered an unaccompanied youth if you are not in the physical custody of your parent or guardian. You will be considered an unaccompanied youth even if your family wants you to return home. The reason you are not in the physical custody of your parents or guardian does not matter. You have the right to be immediately enrolled in school as an unaccompanied youth without your parent or guardian.

Question: Do I have the same rights if I am awaiting foster care placement?

Answer: No, the reauthorization of the McKinney-Vento Act through ESSA removed children “awaiting foster care placement” from the definition of homelessness. However, ESSA and the Fostering Connections Act of 2008 require that states and districts coordinate with child welfare agencies to ensure your case plan makes sure that your placement in foster care takes into account the proximity to your school of origin. The case plan also must consider the appropriateness of your current education setting. In addition, the child welfare agency must coordinate with your school to ensure that you remain in the school of origin, if it is in your best interest. If your school of origin is not in your best interest, the child welfare agencies must ensure your immediate enrollment in a new school and provide all of your education records to your new school. In other words, under ESSA, a child in foster care is to enroll or remain in his or her “school of origin,” meaning the school that they last attended when permanently housed, unless it is determined that it is not in the child’s best interest. If it is not in the child’s best

interest to remain in the school of origin, the child must be immediately enrolled in a new school even if they don't have the documentation normally required for students to enroll. The **Foster Care chapter** in this Handbook has additional information that may be helpful. Also, for more information regarding your education in **foster care**, visit the Foster Care section of the website of the **Illinois State Board of Education**.

Question: Does the school have to advise me of my rights?

Answer: Yes. Schools must ensure that you and your family are aware of the rights of homeless students. School districts must distribute public notice of the education rights of youth in homeless situations in places frequented by youth, including schools, shelters or drop-in centers, public libraries, and soup kitchens. The notice should be in a manner and form understandable to students.

Question: Is there anyone at the school I can go to if I have questions about my rights?

Answer: Every school district must designate a "homeless liaison." The **McKinney-Vento Act** requires homeless liaisons to ensure that you are identified as homeless in order to offer appropriate services to you or your family. For contact information for the homeless liaison in each school district, visit the **Illinois State Board of Education's website**.

Question: What can the homeless liaison do for me?

Answer: Homeless Liaisons can help:

- sensitively identify you as living in a homeless situation so you can get the services you need;
- enroll in school immediately, even if you do not have the papers the school would normally need;
- get identification documents, immunizations, immunization records, or other medical records;
- obtain transportation to/from school;
- get information about available school programs and services (for example preschool);
- resolve disagreements between you and the school;
- connect you with necessary technology and school supplies;

- refer you to any needed medical, dental, or mental health services; and
 - make sure you have the chance to do well in school.
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Question: Do I have to go to school?

Answer: Illinois law requires that all children between 6 and 17 attend school, unless a child has already graduated from high school. If a student has dropped out of school, there are many options for re-enrolling in school, including traditional public schools, alternative public schools, and evening programs. A youth who has dropped out of school prior to graduation can re-enroll in school before the age of 21 to receive a high school diploma. A youth who is 19 years of age or older cannot be denied re-enrollment due to age or lack of credits unless the school district first provides due process (i.e., a hearing). After the hearing, if the student is denied re-enrollment, the district must provide counseling and information on alternative education programs.

Education

School Selection

Question: Where can I enroll in school if I become homeless?

Answer: You have at least three school choices: (1) the school you attended when permanently housed; (2) the school in which you were last enrolled; or (3) the school nearest to where you are staying that other students in the neighborhood attend. The first two schools listed above are referred to as the "school of origin." When you complete the final grade level served by your school of origin, you also have the right to attend the designated receiving school at the next grade level. For example, if you complete eighth grade, you can attend the high school that your elementary school feeds into. You also have the right to school choices that are available to other students in the district such as charter schools, magnet schools, selective enrollment schools or alternative schools. Staying enrolled in the school of origin is often your best option. Generally, changing schools could significantly impede your academic and social progress. Therefore, the school district should keep you in your "school of origin" unless this is contrary to your wishes or your parent's or guardian's wishes. You have the right to remain in your school of origin for the duration of your homelessness, even if that homelessness extends over multiple school years or you move to temporary housing in another school district or even another state. Additionally, if you move into permanent housing in another school district during the school year, you can finish that academic year in your school of origin.

Question: Does homeless education law apply to private schools?

Answer: The homeless education laws described in this chapter do not apply to private schools. Therefore, private schools are not required to allow you to enroll or continue to attend if you become homeless. However, many private schools do offer scholarships and other programs that may be helpful.

Question: Is it possible for me to enroll in public magnet schools, charter schools, or other selective schools?

Answer: Yes, if you meet the relevant eligibility criteria for that school. Homeless youth who meet the relevant eligibility criteria may not face barriers to accessing academic activities and programs, including magnet schools, summer schools, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available in your area. Schools/Districts are supposed to eliminate barriers to homeless youth, such as missed application deadlines during a period of homelessness. You should contact the homeless liaison to work with you and to assist you in gaining access to these schools and programs.

Question: What preschool programs are available for homeless students?

Answer: Homeless students age birth to five years old are required by law to be given equal access to publicly-funded preschools and early intervention services. The homeless liaison in your region is required to make sure that homeless children and their families are given equal access to publicly-funded preschools and to refer known homeless students of the appropriate age to all early childhood programs of any kind that the student may be eligible for within their area. At preschool screenings, first priority must be given to children determined to be at risk of academic failures due to environmental and developmental delays, which often includes homelessness. If slots are available at the time of enrollment, homeless children must be enrolled immediately. Homeless children should be prioritized in preschool enrollment.

Question: What happens to a student who becomes homeless during preschool?

Answer: Public preschools are specifically included within the definition of “school of origin.” As a result, children experiencing homelessness can remain in the preschool they attended when permanently housed, or the preschool in which they were last enrolled. This right to remain in the same preschool includes the right to receive transportation to preschool (even if preschool transportation is not typically provided), and continues for as long as the child is homeless, and until the end of the academic year in which the child moves into permanent housing.

Education

Enrolling in School

Question: How soon can I enroll?

Answer: By law, Illinois schools must immediately enroll homeless students in school even without documents normally required for enrollment. Enrollment is defined by law as attending classes and participating fully in school activities. Therefore, students without housing must be allowed – without any delay – to attend classes and to participate in activities, including sports. When you go to school to enroll, ask to speak with the homeless liaison.

Question: What information do I need to provide to the school? What if I do not have the information requested?

Answer: The school must enroll you immediately even if you cannot provide the required documents at the time of enrollment. The school cannot require that you provide previous school records, transfer forms, proof of immunizations or physicals or proof of residency prior to enrolling you. The school's homeless liaison can assist you with gathering the required paperwork and documentation after you have enrolled. The school cannot require verification or proof of residency as a condition of enrollment.

Question: What if I have not attended school for an extended period of time? Can I still enroll in my school of origin?

Answer: Yes. Having missed a period of schooling does not prevent you from returning to your school of origin. It may be better for you to return to a familiar school, with familiar teachers and peers, to make up for lost time, and to return more smoothly back into school.

Question: If I am over 18, can I stay in high school until I graduate, or do I have to get a GED?



Answer: You do not have to switch to a GED program after you turn 18. Schools should not push you into a GED program if you would rather graduate from high school.

Education

Transportation to School

Question: Does the school need to provide transportation?

Answer:

- Yes. Transportation must be provided to your school of origin, regardless of whether the school district provides transportation for other students or in other circumstances. Transportation to and from school and school-related activities such as after-school programs must be provided.
 - If you live in one school district but attend your school of origin in another school district, both districts are required to share the responsibility and costs of transportation. If no agreement can be reached, the cost of transportation will be shared equally between the two school districts.
 - For transportation to a school other than your school of origin, school districts must provide transportation comparable to that provided to students who are not homeless or in cases where the lack of transportation is a barrier to your enrollment, attendance or success.
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Question: Does the school have to provide "door-to-door" transportation?

Answer: Generally, no, unless that is the only appropriate arrangement for you. The method of transportation may vary from community to community.

Question: Does public transportation count?

Answer: Yes, if public transportation is appropriate for the particular student. In some communities, public transportation is available and appropriate. In other communities, school districts utilize a school bus, a taxi service or reimbursement of a friend or family member. In Illinois, transportation must be appropriate and must not create a barrier to the student's



attendance in school.

Education

Extra-Curricular Activities and Sports

Question: Can I participate in extra-curricular activities?

Answer: Yes. The **McKinney-Vento Act** requires states and school districts to eliminate barriers to school enrollment and retention for you. Enrollment is defined as attending school and participating fully in school activities. Sports and other extra-curricular activities are school activities.

Question: I can not afford to pay fees for extra-curricular activities. Can I still participate?

Answer: Yes. If fees for extra-curricular activities are a barrier to your full participation, those fees should be waived or paid with donations or district funds. The district's homeless liaison should help you figure out how to get fees waived.

Question: Can I play sports even if I do not meet the residency requirements?

Answer: Many courts have determined that school athletic associations are considered to be part of the state. Therefore, athletic associations must comply with the **McKinney-Vento Act's** requirements by allowing you to immediately participate in school activities, including sports, and by removing barriers to your enrollment, attendance, and success.

Education

Fee Waivers, School Meals and School Uniforms

Question: Can I receive help with school and activity fees?

Answer: Yes. Fee waivers are available to homeless students. The homeless liaison must assist you in getting school fees waived. Schools often charge students and families significant fees that youth who are homeless are not able to afford. These include graduation fees, lab fees, fees for field trips and for participating in extracurricular activities, including sports, music programs, and clubs. In Illinois, school fees should be waived for students who are eligible for free breakfast or lunch. Students who are homeless are automatically eligible for free breakfast or lunch and, therefore, should have their fees waived. If a fee is "waived," this means that the fee is not charged and you do not have to pay it and you will not owe it to the school. You will still be allowed to participate in the activity, whether it is a field trip, a lab course, graduation, or other activities. In Illinois, most charges are considered fees that must be waived for eligible students, including:

- required textbooks;
- locks and towels;
- field trips made during school hours or after school hours if the field trip is a required or customary part of a class or an extracurricular activity (like annually scheduled trips to museums, concerts, etc.);
- uniforms for sports;
- fees for music or arts programs;
- fees to participate in extracurricular activities;
- school records fees;
- health service fees;
- driver's education fees; and
- graduation fees.

Certain charges are not considered fees that must be waived, including:

- ordinary school supplies;
- library fines;
- optional travel fees;
- yearbooks, pictures, diploma covers, and class rings; and
- admission to school dances and athletic events.

However, many school do assist homeless students with such items and should waive any fees if non-participation is a barrier to the enrollment, attendance, or success of a homeless student. Illinois schools cannot discriminate, punish, lower grades, or exclude any students eligible for fee waivers because the student is unable to pay school fees. More information and links to additional resources can be found on the [Illinois State Board of Education website](#) and the [Illinois Legal Aid Online website](#).

Question: Can I receive assistance with school uniforms?

Answer: Yes. The homeless liaison assists homeless students with school uniform requirements. Illinois law allows school boards to have school uniform or dress code policies if they are necessary to maintain order or to prevent the endangerment of student health and safety. If a school has uniforms, it must assist low-income families in obtaining the uniforms and in helping students to comply with the dress code policy.

Question: Can I receive free meals?

Answer: Yes. If you are identified as homeless by the district's homeless liaison, you are automatically eligible for free school meals.

Education

Disputes About School Decisions

Question: What if you disagree with the school about any education decision it makes about you?

Answer: When a dispute arises about enrollment, full participation in school activities (including fee waivers), transportation, or any other issue related to your homelessness, the school or the family may start a “McKinney-Vento Dispute Resolution Process”. A neutral ombudsperson will be appointed to conduct the dispute. The school district must state in writing why they are bringing the dispute or their position on the dispute. It must also tell you about the availability of the ombudsperson, and it must refer you to free or low-cost legal assistance. The student must continue to be transported and enrolled at school till the completion of the dispute. More information on the procedure for resolving disputes can be found on the [Illinois State Board of Education's website](#).

Education

Issues Faced by Teen Parents

Question: Do pregnant students have rights at school?

Answer: Yes. Pregnancy or parenthood is not a reason to ban a student from participation in any type of program or activity, and pregnancy or parenthood is to be treated like any other temporary disability. Schools must eliminate barriers to school attendance and completion for pregnant and parenting students. If a student is unable to attend school because of pregnancy, the school is required to give home instruction, correspondence courses, or other courses of instruction for the student. Such instruction must be provided to the student. Such instruction must be provided:

- before the baby's birth when the student's physician has informed the school in writing that the pupil cannot attend school anymore; and
- for up to three months following the birth of the child or following a miscarriage.

Question: I am a homeless teen parent. Can I still send my child to preschool?

Answer: Yes. Equal access to all school services for children or youth experiencing homelessness specifically includes access to preschool education programs administered by the State. Homeless students should be prioritized in preschool placement.

Question: Can my child participate in Head Start programs?

Answer: Yes. The district's homeless liaison must ensure that families and children experiencing homelessness can enroll in Head Start and similar programs administered by the school district. For more information, see the [Pregnancy and Parenting Chapter](#) in this Handbook.

Education

Special Education And Related Services

Question: Am I entitled to special education and related services?

Answer: Students ages 3 to 21 who are evaluated and are determined to meet specific eligibility criteria set forth in the [Individuals with Disabilities Education Improvement Act of 2004 \(IDEA\)](#), a federal law, and the Illinois special education law, are entitled to receive special education and related services in Illinois public schools. To be eligible to receive special education services, you must have a disability that impacts your ability to make academic, social, and/or emotional progress in school. If you already receive special education services, you may have already been evaluated and determined to meet the eligibility criteria. If you are not currently receiving special education services, you might still qualify. Each school district is responsible for actively locating, identifying, and evaluating all children who live within the district boundaries who may qualify to receive special education and/or related services. More information on special education programs can be found on the [Illinois State Board of Education's website](#).

Question: Should I be evaluated for special education?

Answer: The school district must evaluate you to determine your eligibility for special education when (1) a request for an evaluation has been made, (2) the school decides to conduct an evaluation, and (3) your parent or guardian has provided consent to the evaluation.

Question: Who can request an evaluation?

Answer: If your parent or guardian is not available to provide consent, the law allows certain other adults to ask for an evaluation and to make special education decisions just like parents. Those adults are:

- foster parents;
- adults acting in the place of a parent if you are living with them;
- your teacher or a school administrator;
- a provider working with you at a public agency or a community service agency; and

- your caseworker.

These adults may be considered temporary surrogate parents, or may be appointed as full-time surrogate parents. The school district and your special education team will work with you to identify appropriate temporary and full-time surrogate parents. See below in this chapter for more information about who can make education decisions on your behalf.

Question: When is the school required to complete the evaluation?

Answer: The school will have 60 school days following the date you sign a written consent to perform the needed assessments to complete the evaluation, decide whether you are eligible to receive special education, and develop an Individualized Education Program (IEP). Your parent or guardian must provide consent before the school can begin the evaluation. If fewer than 60 school days remain in a school year after the date you have provided consent, the eligibility determination must be made and a meeting to develop an IEP must be completed prior to the first day of the following school year.

Education

Individualized Education Programs

Question: What is an Individualized Education Program (IEP)?

Answer: If you are eligible for special education services, an Individualized Education Program, or IEP, is developed. An IEP is a written education plan, individualized to meet your needs. It describes the special instruction, services, and accommodations you need to make progress, as well as specific educational goals for you and how your progress toward the goals will be measured. It is written by your IEP team.

Question: Who will be on my IEP team?

Answer:

- Your parent(s) or guardian(s);
 - You, if determined appropriate and you choose to participate;
 - At least one general education teacher who has knowledge of the curriculum and may be responsible for implementing the IEP;
 - At least one special education teacher who is responsible for implementing the IEP;
 - A school administrator who knows about the general education curriculum, is able to ensure the IEP is implemented, and has authority to commit district resources;
 - Someone who can interpret and explain evaluation data and/or test results;
 - If you struggle with behavior, the IEP team should include a person with knowledge about positive behavior strategies; and
 - If your parents or school wish, other people with expertise or knowledge about you, such as community service providers, advocates, lawyers, or friends.
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Question: When will the school write an IEP for me?

Answer: Your IEP team must meet and write an IEP plan within 30 days of finding you eligible

for special education and related services but no later than 60 school days from the date your parent or guardian provided consent to the evaluation.

Question: Will I be notified of IEP team meetings?

Answer: Yes, the school will send you and your parent(s) or guardian(s) written notice of IEP meetings within a reasonable period of time, but at least within 10 calendar days of the IEP meeting. IEP team meetings are usually held once per year but an IEP meeting can also be convened at other times to discuss changes or revisions to the IEP. Your parent(s) or guardian(s) can request that one be held at any time if you or they have concerns about your IEP. The notice will tell you the date and time of the meeting, the location, the purpose of the meeting, and who will be attending. If you want to attend the meeting but are unavailable at that time, you should contact the school to schedule another time. The school should make reasonable efforts to schedule the meeting at a time when you and your parent or guardian can attend. If needed, you and your parent or guardian have the right to an interpreter paid for by the school district at IEP meetings.

Question: What does an IEP include?

Answer: The IEP must include:

- A description of your current academic and functional performance;
- Annual educational goals;
- A statement of how your progress will be measured and when the school will report on your progress;
- Descriptions of what special education services you will receive in the general education and special education classrooms and the related services you will receive (such as therapy and transportation);
- The location, frequency, and start and end date of all special education and related services being provided;
- An explanation of how you will access the general education curriculum;
- Descriptions of modifications and support that will be provided in the classroom, to and from school, in the school building, and for school functions, such as assistive technology or readings in large print;
- Descriptions of any assessments that will be administered, and any accommodations that you will have for taking tests or alternate assessments;
- A description of any training you or the staff may need in order for you to receive

appropriate special education and related services;

- A discussion of whether you need additional help and support when school is not in session (Extended School Year (ESY) services); and
- If you are 14 ½ or older, a transition plan.

Question: When is an IEP reviewed?

Answer: The IEP will be reviewed at least once a year. It can be reviewed more frequently upon request of an IEP team member, including you or your parent(s) or guardian(s). The school must also conduct a full re-evaluation of students receiving special education services once every three years. If you are 14 ½ or older, you are entitled to have a transition plan and to receive transition services as part of your IEP. The transition plan is a very important part of your IEP as it will assist you in achieving the goals you have for yourself once you graduate from high school. Your transition plan must be based on age-appropriate assessments. Your goals after high school include things like future training, education, employment, and independent living. These goals should reflect your individual strengths, preferences, and interests. The transition plan must include instruction, services, community experiences, and future employment and post-school adult living objectives that will support you in making progress towards your post-high school goals. Examples may include taking a college course while still in school, learning how to use public transportation, and participating in internships, perhaps with extra support from a teacher or staff from your school. Youth are entitled to have a transition plan and to receive transition services through age 21 or until you graduate from high school, whichever occurs first.

Education

Independent Educational Evaluations (IEEs)

Question: When do I get an IEE?

Answer: If you and your parent or guardian disagree with the school's evaluations, you may be entitled to get a second opinion by an evaluator who does not work for the school at no additional cost. Having a second opinion can be very helpful to you and your parent or guardian by giving you a better understanding of your needs and what services might help you in school. If you request payment for the IEE by the school district, your parent or guardian should write a letter to the Superintendent. The school will have five (5) calendar days to respond. The school can either agree to pay for the IEE or request a [due process hearing](#) to show why their evaluation was sufficient. If the school does not challenge the request or if a hearing officer orders the IEE, it should be completed within thirty (30) calendar days. You and your parent or guardian also have the right to get an IEE at your own expense at any time. Many evaluators will accept payment by insurance, including [Medicaid](#). Once the school receives a copy of the IEE, they will have ten (10) calendar days to schedule an IEP meeting to discuss the evaluation. The school must provide written notice of when the IEP team will meet to discuss the results. The school is required to consider the IEE; however, the school is not required to include the IEE recommendations in your IEP.

Education

Discipline And Disability-Related Behavioral Issues

Question: Can I be disciplined for behavior related to my disabilities?

Answer: Yes. Generally speaking, you are expected to follow school rules. If you violate the student code of conduct, school personnel may remove you from your current placement. However, if your disability makes it difficult for you to follow certain rules and/or if there are things teachers and staff can do to help you be more successful in following the rules, you and/or your parent or guardian should discuss this with your IEP team in order to determine whether it may be appropriate to modify the rules to accommodate your needs.

Question: Can I be suspended or expelled from school for my behavior?

Answer: Students can only be suspended, expelled or referred to an alternative school if all other “appropriate and available” alternatives are exhausted. In other words, suspensions and expulsions become the last resort, rather than the first response. There is a limit to the number of days you can be suspended from school for violations of the student handbook. Typically, you can only be suspended for ten days if you violate a school rule. Once you have been suspended for 10 days in a row, or once you’ve been suspended for 10 days total in a school year for similar incidents, the school cannot suspend you again until it holds a meeting called a “Manifestation Determination Review” (MDR). During the MDR meeting, members of your IEP Team, including your parent or guardian, will determine the answers to two questions: (1) Was the incident caused by or substantially related to your disability? (2) Was the incident caused by the school’s failure to follow your IEP? If the answer to either of these questions is yes, the school cannot suspend you for additional days and you will be entitled to return to school. The school will also have to conduct an evaluation called a “functional behavioral assessment” (FBA) and develop a plan called a “behavioral intervention plan” (BIP). The FBA and BIP should help your IEP team understand what is making it difficult for you to follow the rules and help the team develop ways for you to be more successful. If the answer to both of these questions is no, then the school can continue to suspend you or can even hold an expulsion hearing if this is what the school would do for a non-disabled student. However, the school will be required to provide you with educational services during any additional time you are out of school so that you can continue



making progress towards your IEP goals and participate in the general education curriculum. Most likely, the school would send you to an alternative school. If the school is proposing expulsion, you and your parent or guardian should make sure that the MDR meeting takes place prior to the expulsion hearing. If the school finds the incident was a manifestation of your disability, they cannot expel you.

Education

Exceptions

Question: Can I automatically be sent to alternative school?

Answer: There are three types of serious incidents for which the school can immediately send you to an "interim alternative educational setting" (IAES), which is typically an alternative school. These incidents include those involving weapons, drugs, or if you seriously injure another person.

Question: What if the IEP team fails to develop or modify a behavior plan for me after my determination meeting?

Answer: If the school doesn't develop or modify a behavior plan and later tries to suspend or expel you, you may have a defense to the suspension or expulsion.

Question: What if I disagree with the IEP team's determination regarding whether my behavior was a manifestation of my disability and/or placement in an IAES?

Answer: If you disagree with the IEP team's determinations, your parent(s) or guardian(s) have the option of engaging in the dispute resolution process called a due process hearing. See Dispute resolution section in this chapter below. This hearing will happen quickly. You or your parent or guardian may wish to consult with an attorney about the due process hearing procedures to make sure you understand your rights before the hearing takes place. To locate an attorney in your area, visit www.illinoislegalaidonline.org. On the homepage, click the "Get Legal Help" button.

Education

Dispute Resolution

Question: Dispute Resolution

Answer: If you or your parents disagree with a special education decision made by the school, you can seek to resolve the disagreement a number of ways. Early resolution is an informal means for districts and parents to resolve issues at the local level. It is not uncommon for disagreements to occur between parents and school districts regarding a child's special education services. Those disagreements can often be resolved at the local level with open communication between the parties. The process of resolving disagreements at the local level can be a quick alternative to using a state-sponsored dispute resolution system, and can have the added benefit of improving communication between both parties in the future. If you believe that a school district has not complied with the law or that your educational rights have been violated, you can try the following steps:

- Communicate directly with the school staff, principal, superintendent, or the director of special education.
- Request an Individualized Education Program (IEP) meeting to discuss the issues with the IEP team.
- Utilize the **state-sponsored mediation system** to resolve the areas of concern.

If that does not work, you or your parent(s) or guardian(s) can ask for a due process hearing.

Question: What is a special education due process hearing?

Answer: If you or your parents disagree with a special education decision made by the school, you can request a **due process hearing**. A **due process hearing** is an administrative proceeding similar to a trial. A hearing officer, instead of a judge, will listen to your case and then make a decision based on an unbiased view of your case. At the hearing, your parent(s) or guardian(s) and the school district can give the hearing officer documents to review, present witnesses, and cross-examine the other side's witnesses. Experts, including medical doctors, treating physicians, therapists, or those with other helpful areas of expertise may be asked to present



testimony. Sometimes attorneys or advocates for both sides are present. The result of a due process hearing is a legally binding, written decision that can be appealed to a court of law.

Education

Due Process Hearing

Question: For what reasons can I request a special education due process hearing?

Answer: Of the options available, due process hearings are the most formal way to resolve a dispute between a parent or guardian and the school district. You and your parents have a right to request a due process hearing about whether you are eligible for special education, your evaluation, details of your IEP, the delivery of special education services to you, and your placement (including placement following discipline actions).

Question: How do I request a special education due process hearing?

Answer: If you decide to proceed with a due process hearing, your request for the hearing needs to be filed with the Superintendent of your local school district. Even if you are receiving services from a special education cooperative, you still must file your request with the local district Superintendent. You have a couple of options when writing out your hearing request: you may either use a form obtainable from ISBE's website or you can write a letter. The ISBE form can be found on the ISBE website at: <https://www.isbe.net/Pages/Special-Education-Forms.aspx>. If you write a letter, the letter should include the name of your school and school district, your address, a description of the problem, and a proposed solution to the problem if you know one. Under federal law, failure to include all the required information could result in the dismissal of your request by the hearing officer. You or your parent(s) or guardian(s) should ask the school district if they have rules about requesting a due process hearing.

Question: When will the hearing occur?

Answer: There are a lot of steps that occur before the hearing. Information may be exchanged, and the school district must meet with you and your parent(s) or guardian(s) to discuss your hearing request. If you can't reach an agreement on your request, the hearing will occur. The hearing will occur at a time and place that are convenient for you and your parents. The hearing



officer must issue a decision within 45 days of receiving a request for a hearing, although this timeline is regularly extended, sometimes by a few months.

Question: What services will I receive between the time I request a special education due process hearing and the time the hearing officer makes a decision?

Answer: You will continue to receive the same services between the time you request a hearing and the time of a decision. This is often called a "stay-put" obligation. Your parent(s) or guardian(s) and the school district can agree that you will receive different services during this time.

Education

Alternative Forms of Dispute Resolution

Question: Are there any agencies I can notify if I have an issue involving special education that I cannot resolve with my school?

Answer: If you don't want to go through the due process procedure you can instead file a complaint with the Illinois State Board of Education (ISBE) regarding the special education decision with which you disagree. A state investigator employed by ISBE with expertise in special education issues will review your complaint. The investigator may ask you for more information, or collect information from the school or other sources, to help him or her make a determination about your complaint. Unlike a due process hearing, parties will not be allowed (or required) to participate in a formal hearing to present the case. The complaint must allege the violation occurred not more than one year prior to the date on which the complaint is received. The investigator has 60 calendar dates to reach his or her conclusion. The investigator might do an on-site investigation, or request that the school submit a written response to the complaint. After conducting his investigation, the investigator will issue a "letter of finding," which gives the outcome of the investigation. The letter will include an order describing what the district needs to do in order to meet the requirements of the law and regulations. Alternatively, if you think you have been discriminated against because of your disability, you can file a complaint with the Office of Civil Rights of the U.S. Department of Education.

Question: What is mediation?

Answer: Mediation is a voluntary process designed to help parties reach agreements to resolve potential disputes. As a voluntary process, both your parent(s) or guardian(s) and the district have to agree to engage in a mediation to resolve special education issues. This agreement will allow you to remain or "stay put" in your current placement until the mediation has concluded. If you both agree to do it, all that's required to set it up is a phone call to the ISBE Mediation Coordinator at **217-782-5589**. Once a mediation has been arranged, ISBE will appoint a mediator, who will then arrange the time and place for the mediation meeting. The mediator is a person specially training to understand special education matters, but who is not an employee (or has an interest in) working for either side. The mediator's only focus will be to find a way to



work out an agreement with the parties that will work to the benefit of the child. If mediation fails to resolve the dispute between the parties, your parent(s) or guardian(s) has 10 days after the mediation concludes to file a request for a due process hearing. You will remain in your current placement until the due process hearing has concluded.

Education

Special Considerations For Homeless Youth With Identified Special Education Needs

Question: Do special education laws apply to me if I am homeless?

Answer: Yes. The [McKinney-Vento Act](#) and [IDEA](#) mandate protections and services for children and youth who are homeless and children and youth with disabilities. See earlier in this chapter for details. Both the [McKinney-Vento Act](#) and [IDEA](#) address serving children and youth who are homeless and have disabilities, ensuring that their complex and unique needs are met. The McKinney-Vento Act specifically mandates that homeless youth have access to programs and services, including special education services. In addition, the [IDEA](#) contains several provisions specific to children in homeless situations. The [IDEA](#) defines homeless children to include any children or youth considered homeless under the McKinney-Vento Act. It includes a specific requirement that states ensure that children with disabilities experiencing homelessness are identified, located, and evaluated.

Question: If I am a homeless, special education student, do I have the right to remain in my school of origin?

Answer: Yes. The [McKinney-Vento Act](#) and ESSA do not exclude students receiving special education services from having the right to remain in their school of origin. See section on [School of Origin](#) in this chapter. In addition, any state receiving [IDEA](#) funds must ensure that the requirements of the McKinney-Vento Act are met for all children with disabilities in homeless situations in the state. Therefore, you have the choice to remain in your school of origin. Frequently the school of origin is preferred because changing schools and educational programs can be particularly difficult for students with special needs. There are additional legal requirements under [IDEA](#) that might come into play. However, the [IDEA](#) does not supersede the McKinney-Vento Act or ESSA; you retain all McKinney-Vento Act and ESSA rights.

Question: If I am a special education student and I become homeless and elect to remain in my

school of origin, who pays for the transportation?

Answer: School districts must provide transportation to the school of origin upon request. The section on [Transportation to School](#) in this chapter has additional information on transit to the School of Origin. This is true regardless of the services you receive, including special education and related services. Transportation may also be included as a related service in your IEP, when appropriate. If transportation is listed as a related service in your IEP, your transportation should be funded from the special education budget. If transportation is not an appropriate related service, your transportation should be funded in the same manner as that of other students experiencing homelessness.

Question: Must schools immediately enroll me if I am homeless and receiving special education services?

Answer: Yes. You must be enrolled immediately in school, including attending classes and participating fully in school activities, even when records normally required for enrollment are not available. See section in this chapter on [Immediate Enrollment](#). Any state receiving funds under [IDEA](#) must ensure that the requirements of the McKinney-Vento Act and ESSA are met for all homeless children with disabilities in the state. There are other legal requirements that might come into play. However, the [IDEA](#) does not supersede the McKinney-Vento Act or ESSA. You always have those rights.

Question: Must schools immediately provide special education services to me if I am homeless and have an IEP from another school district or state?

Answer: Yes. If you have a current IEP and change school districts during the school year, the new district must provide you with a free, appropriate public education (FAPE) immediately, including services comparable to those described in your previous IEP, in consultation with your parents. The school district can then either adopt the old IEP or implement a new IEP. This process must be coordinated with your prior school as necessary and as quickly as possible to ensure your educational needs are promptly evaluated and addressed. If the new school district is in a different state, the district can choose to conduct a new evaluation and develop a new IEP, but the school must still provide you with services comparable to those described in your previous IEP until any evaluations are completed and the new IEP is implemented.

Question: How can a school determine what services to provide me if there are no school records?

Answer: The enrolling school must contact the previous school for records. The IDEA specifically requires enrolling schools to promptly obtain your records from the previous school, and previous schools to promptly respond to such records requests. The district's homeless liaison should work with special education staff to ensure that your special needs can be identified and addressed quickly. The district should establish procedures for obtaining your school records promptly. If the records cannot be transmitted immediately, the enrolling school can speak with staff from the previous school to get basic information about you. Former teachers, counselors, and administrators should be able to provide this information. Even if records are delayed, you must be enrolled in school and provided services immediately.

Education

Changing Schools

Question: If I change school districts while special education evaluations are underway, must the new school district continue the evaluation process?

Answer: Yes. In Illinois, school districts must complete initial evaluations within 60 school days of your parent or guardian's request. This time limit applies to students who change school districts during the evaluation process, so the new school district cannot "restart the clock" when you enroll. The only procedure to extend the time frame is if the new district is making sufficient progress to ensure a prompt completion of evaluations, and your parent(s) or guardian(s) and the school agree to a specific time when the evaluation will be completed. The IDEA specifically requires schools to ensure that assessments of children who change districts during the school year are coordinated with prior schools as necessary and as quickly as possible, to ensure prompt completion of full evaluations. To expedite evaluations, the new school should immediately get all of your evaluations and other paperwork from the old school and consult with the previous school psychologist, counselor and/or teachers about your needs.

Question: What if my parents are not around? Can someone take their place for any special education-related issues with the school?

Answer: Yes. Under the IDEA, the following people can sign for special education services for you:

- a parent or legal guardian;
- an adult acting in the place of a parent and with whom you are living; or
- if consistent with state law, a foster parent.

The definition of "parent" in the IDEA includes your biological parents, but also adoptive or foster parents, guardians, surrogate parents, individuals legally responsible for your welfare, and individuals acting in the place of a parent and with whom you live (specifically including grandparents, stepparents or other relatives). The regulations make clear that non-family members in similar positions to your relatives may also qualify as a "parent" for special

education purposes. Your relatives and non-relatives may therefore be considered a parent if they are acting in the place of a biological or adoptive parent and you are living with them. If the school district cannot identify or locate such an adult, the district must appoint a surrogate parent for you. If you are an unaccompanied youth or a ward of the state, [IDEA](#) requires the district to ensure that your rights are protected, including by assigning a surrogate parent. The surrogate parent must be trained in special education procedures and cannot be a [DCFS](#) social worker, a school district employee, or other person who might have a conflict of interest. If you have someone in your life who knows about your special education needs and is interested in helping you succeed in school, you may request that the person be appointed as your surrogate parent. However, because the process of appointing a surrogate parent can take several weeks, school districts should appoint immediate, temporary surrogate parents for you. Temporary surrogate parents can consent for evaluations or sign IEPs so that assessments and services can begin immediately, while a regular surrogate is being appointed. Due to their more limited role, appropriate candidates for temporary surrogates include staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs, as well as the district's homeless liaisons or other school district staff. Those people, however, must know you and your education needs and cannot have a personal or professional interest that conflicts with your interests.

Question: I'm emancipated. Can I deal with special education services on my own?

Answer: If you are over 18, or if you are legally [emancipated](#), you can likely consent to special education services, or agree to transfer decision making to a parent, guardian, or surrogate.

Question: If my poor academic performance may be attributable to my homelessness, should I still be evaluated for special education eligibility?

Answer: Yes. If you are experiencing homelessness, you may miss school, have poor physical health, and struggle with behavior issues related to the stress of losing your housing. The [IDEA](#) cautions that you should not be found eligible for special education if your difficulties are caused by lack of instruction or environmental, cultural, or economic disadvantage. At the same time, [IDEA](#) places clear obligations on school districts to assess students who request that they be evaluated for special education services. Only through conducting such evaluations and analyzing the results will a school district be able to determine if you have a disability requiring special education and related services, or are reacting to the realities of homelessness. The



IDEA also requires schools to consider environmental, cultural, or economic disadvantage as part of the evaluation. But these considerations are only part of the evaluation and eligibility determination process. They do not substitute for the process, or eliminate a school district's responsibilities to engage in the process. In many cases, it will be appropriate for the school to put interventions and services in place to support your achievement and avoid unnecessary special education services. However, the U.S. Department of Education has emphasized that such interventions can be provided to homeless students while an evaluation is in progress, rather than delaying the evaluation process.

Education

Attendance Requirements

Question: Can I be exempted from the mandatory attendance requirement?

Answer: No, all students, including homeless students, must attend school. A student may only miss school for a valid cause.

Education

Unexcused Absences

Question: What is "valid cause" for an absence?

Answer: A "valid cause" for an absence is an illness, observance of a religious holiday, a death in the family, a family emergency, such circumstances which cause reasonable concern to the parent for the safety or health of the student, or any other reason permitted by the school district.

Education

Truancy Proceedings

Question: When can a school district bring a truancy action against me?

Answer: Students between the ages of 6 and 17 must attend school. A school district can bring a truancy action when a student is "chronic or habitual truant" or when a student has been absent for 9 days or more without valid cause out of the past 180 regular attendance days.

Question: What steps must schools take before bringing an action for truancy?

Answer: School districts will provide notice of a chronically or habitually truant student to the student, his or her parents, or the person with custody or control over the student. This notice will be either by mail, telephonically, or in-person. The notice will require the student's attendance at school to begin on a designated date and that his/her attendance must be continuous and consecutive during the remainder of the year. If the student continues to be truant the school district may hold a truancy hearing after three notices. Notice will also be provided to the teacher and superintendent of the school district of a student's truancy. School districts should provide services to assist a student's return to school after being truant for a period of time. These services can include: assessments, counseling, mental health services, shelter, optional and alternative educational programs, tutoring, and educational advocacy.

Question: What action can the school district take if a student continues to be truant?

Answer:

- If age appropriate, a truant student may be required to complete 20 to 40 hours of community service over a period of 90 days.
 - If truancy persists, the school district may make a complaint against the person having custody or control over the student to the State's attorney or in the local circuit court of the county.
 - The school district may conduct a truancy mediation and encourage the student to enroll in a graduation incentives program.
-

Question: What is a petition for court action for a truant minor?

Answer: This is a document the school district files in court which includes:

- the student's name;
 - name and address of the person having custody and control of the student;
 - dates of the truant behavior;
 - dates and nature of contacts or conferences with the student and persons having custody and control of the student; and
 - nature of supportive services, alternative programs, and other school resources provided to the child in an effort to correct the child's truant behavior.
-

Question: What can happen if the court finds that I have been truant?

Answer: If found truant, the court may:

- order you to participate in a student assistance team staffing of the appropriate regional superintendent of schools;
- require you to comply with a service plan provided by the appropriate school district;
- order you to obtain counseling or other supportive services;
- subject you to a fine for each day of absence without valid cause (between \$5 and \$100 per day);
- require you to perform public service; and
- suspend your driver's license until age 18.

In order to suspend your driver's license, fine you, or order you to participate in public service, a court must make a written finding that a truancy prevention program has been made to you.

Question: What happens if the court finds that the school district did not provide the appropriate truancy intervention services?

Answer: A student will not be found truant and will be referred to a Comprehensive Community Based Youth Service agency for truancy intervention services. This agency will submit regular reports detailing the student's progress and participation in truancy intervention services. If the student declines or refuses to fully participate in the truancy intervention services, the agency will notify the school district.

Question: What if I stopped attending school on account of intimidation, harassment, or discrimination?

Answer: You may stop attending school if you feel intimidated, harassed, or discriminated against. Schools are obligated to take reasonable steps to protect you from discrimination, harassment, or bullying by other students or by school staff. School districts are also required to have a policy in the Code of Conduct specific to bullying prevention. State and federal laws prohibit schools from discriminating against students on the basis of national origin, race, religion, economic status, gender, sexual orientation, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental, or sensory handicap. Consider asking for a continuance or dismissal of an initial petition or contempt motion to allow time for you to negotiate with the school to arrange for:

- an appropriate investigation and intervention with the student or staff person who is harassing you; or
- the transfer of you or the harasser to another class.

If you have already complained to the school about harassment and the problem persists, consider referring the issue to an agency, organization, or attorney that handles discrimination claims.

Question: Does my school have a responsibility to address my disability or special education



needs before filing a truancy petition?

Answer: If your absences are related to a mental, physical or emotional impairment that interferes with your ability to learn, your district has a responsibility to address your disability needs through accommodations and special education services. A faulty or poorly implemented plan could contribute to your missing school. Putting a good plan in place might eliminate the reasons for your non-attendance. Federal and state laws require school districts to provide appropriate special educational services to you. Two federal laws – [the Individuals with Disabilities Education Act](#), (the "IDEA"), and [Section 504 of the Rehabilitation Act of 1973](#), ("Section 504") – protect your rights and afford procedures for enforcing those rights. The [IDEA](#) requirements have been adopted in Illinois through statute and regulations. You may receive accommodations under either Section 504 or the [IDEA](#), or both.

Education

Assistance with Truancy and Attendance Issues

Question: Is the school required to help me attend school?

Answer: The law requires that before bringing a truancy action, the school must take the necessary steps to eliminate or reduce your absences. This means the school must find out why you are not coming to school and must try to find a solution. Example: If you need special education because of a disability, the school district must provide appropriate special education and other services such as counseling, therapy, and medical services (for diagnosis or evaluation). Example: If you are afraid to attend school because another child is threatening, harassing, or bullying you, the school district must take steps to stop the harassment, such as transferring you to another school. If you are not going to school, it is important to contact the school principal or a teacher to request help with your attendance. If you do nothing, the school may file a truancy action in court. If your parents ask the school for help with attendance problems, but the school will not provide the help needed, your parents can file a truancy action.

Education

Special Considerations

Question: My school has a zero tolerance rule for school absences. How do these rules apply to me if I am homeless?

Answer: The McKinney-Vento Act and ESSA requires schools to identify and remove all barriers to enrollment and retention in school for you. Zero tolerance rules for absenteeism can be such barriers, particularly when they result in your class failures, exclusion from school, or court involvement. Frequently you may miss school due to your living situations. Absences caused by homelessness must not be counted against you, as this would create a barrier to your enrollment and retention in school. In addition, Illinois Senate Bill 100 states that schools may not have zero tolerance policies requiring suspension or expulsion for particular behaviors unless otherwise required by state or federal law.

Question: If I am homeless, does my school have a duty to assist me to access education before filing a truancy petition?

Answer: Yes. The school district's homeless liaison can help you access education, among other things.

Question: I am in foster care. Do child welfare agencies have responsibilities for my school enrollment, attendance, and stability?

Answer: Yes. For more information on your rights as a foster child, see the section on **Basic Rights**. For more information on Illinois Law regarding homeless education, visit the Illinois State Board of Education's website at: <https://www.isbe.net/pages/homeless.aspx>.

Education

Student's Rights and Responsibilities

Question: What are my basic rights as a student?

Answer: You may not be denied equal educational opportunity or be discriminated against because of your national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory disability. You have the constitutional right to freedom of speech and press, to peaceably assemble, to petition the government and its representatives, to the free exercise of religion, and to have your school free from sectarian control or influence, with reasonable limitations on the time, place, and manner of exercising these rights. You possess the constitutional right to be secure from unreasonable search and seizure of your person, papers, and belongings. At school, however, a locker is school property and can be searched at any time and for any reason. Also, a student's personal property may be searched by school authorities if there is reasonable suspicion that the search will recover evidence of a violation of school rules or of the law. The **McKinney-Vento Act** prohibits segregation of homeless students in separate schools or separate settings and programs. You have the right to be free from unlawful interference while attending school. You may not be deprived of the right to an equal educational opportunity without due process of law.

Question: What are my responsibilities as a student?

Answer: You have the responsibility to attend school, do your homework and assignments, know and follow the written rules and policies of the school, follow instructions given by school principal, teachers, and other staff, tell staff about any dangerous behavior or bullying that occurs at school, on the way to and from school, or in the school community, treat everyone in the school with respect, respect school property and the property of others, and submit to reasonable corrective actions imposed by teachers and school administrators. Your teachers and school administrators will stand in the relation of your parents and guardians to you. This relationship extends to all activities connected with the school program, including all athletic and extracurricular programs, and may be exercised at any time for the safety and supervision of the students in the absence of your parents or guardians.

Question: Can the school discipline me for my behavior?

Answer: All schools have their own rules and regulations regarding discipline and misconduct (this is sometimes referred to as a 'Student Code of Conduct'). These rules often appear in a school handbook. You are to be given a copy of your school's rules by the 15th day of each school year. If you join a school after that date, ask for a copy of your school's rules and become familiar with them. The handbook may also be available on the school or district's website. If English is not your primary language, ask for a copy of the student handbook and policies written in your own language. When you violate the school rules, schools can discipline students. The most serious types of discipline – suspension and expulsion – take away your right to attend school for a period of time. Schools are supposed to limit the use of suspension and expulsion to the greatest extent possible. Schools are also supposed to consider other methods of discipline, such as restorative justice, classroom-based interventions, or referrals to appropriate service providers.

Question: Can schools have zero tolerance policies for certain types of behavior?

Answer: No. Zero tolerance policies that require administrators to suspend or expel students for certain offenses are not permitted in Illinois.

Question: Can a school use severe discipline to punish misbehavior?

Answer: No. Illinois law (Senate Bill 100) requires that out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools be used only if other appropriate and available discipline has already been tried and the student's continuing presence in school would either be a threat to school safety or a disruption to other students' learning opportunities. The reason for discipline is therefore focused on safety and avoiding disrupting others' learning opportunities rather than punishment. Schools are required to limit the number and duration of expulsions and suspensions to the greatest extent practicable. Illinois law also prohibits zero tolerance policies that require suspension or expulsion in response to particular student behaviors. In addition, students may not be fined as a disciplinary consequence (unless the student must pay back the school for lost, stolen, or damaged property).

Question: Can a school advise me to drop out?

Answer: No. Under Illinois Senate Bill 100, schools can no longer advise students to drop out when they have academic or behavioral challenges.

Question: What should I do if I get in trouble at school?

Answer: Ask for a copy of the written rule(s) you have allegedly broken. Ask the school for any misconduct or discipline reports related to the incident, but do not volunteer any information. The school's Student Code of Conduct should be specific about which behaviors or misconduct would rise to the levels of an out-of-school suspension or expulsion. School districts are required to have a written policy for reporting criminal offenses to the police. Sometimes a student can be arrested because of his or her misconduct. If you are arrested or charged with a crime at school, you should not make any statements about the incident to anyone other than a lawyer. This includes school personnel. Statements you make can be used in court. Remember that anything you say, write, put online, or text can likely be used against you.

Question: Important Terms Relating to Disciplinary Actions

Answer: **Discipline:** Corrective action or punishment other than suspension or expulsion. This could include removal from class, detention, loss of privileges, restriction from participating in non-educational activities, etc. **Detention:** This may include having the student remain after school, staying in for lunch or recess, or coming in on a Saturday. **Suspension:** The student is restricted from attending school for no more than 10 school days. **Expulsion:** The student is restricted from attending school or participating in any portion of a school program (such as an activity or class), for a period of more than 10 days but no greater than 2 years. **Emergency Expulsions and Emergency Removals:** Immediate removal will take place due to a threat or danger to others by the student or a significant disruption of the educational process.

Education

Suspensions

Question: What is a suspension?

Answer: A suspension is an exclusion from school for 10 consecutive days or less. A suspension of 3 days or less is only allowed if your presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. A suspension of 4 days or more is only allowed if other appropriate and available interventions have been tried and have not worked, and your presence in school would pose a threat to safety or substantially disrupt or interfere with school. Some suspensions can occur while you are still in school and are usually called an "in-school suspension." A suspension may exceed 10 days "for safety reasons" when misconduct occurs on a school bus. You cannot be suspended for unexcused absences unless several prescribed steps have been taken. Written notice should be provided regarding your unexcused absences. A conference with the school should be scheduled to discuss the absences.

Question: What can I do to keep up with school if I am suspended?

Answer: If you miss school because of a short-term suspension, you or your parent or guardian may request schoolwork during the suspension. The Student Code of Conduct for Chicago Public Schools states that school principals shall make sure that suspended students receive homework assignments during their suspension and that those students' grades will not be lowered if the work is completed satisfactorily.

Question: What process is due for a suspension?

Answer: When a student is suspended from school for any length of time, the student's parents or guardians should be notified immediately. The school is to provide it in writing. A student (or parent/guardian) should ALWAYS request written notice of the suspension, including:

- The full statement of the reason for the suspension;
- The length of the suspension;

- Notice of the student (or parent/guardian's) right to review the school's decision to suspend the student; and
- The support services that will be provided to the student during a suspension longer than 4 days.

The law imposes additional steps on school districts seeking to impose discipline on special education students. See the **Discipline** section in this chapter. If you do not agree with a decision made that imposes a suspension you (or your parent/guardian) may appeal the suspension by requesting a meeting (or "review") with school officials. At this review, you (or your parent/guardian) may talk with school officials about the suspension and reasons that you should not be suspended. A school board official, or hearing officer appointed by the school board, must review the action of the suspending school official. Subsequently, the school board may take action as it finds appropriate.

Education

Expulsions

Question: What is an expulsion?

Answer: An expulsion is when a student is excluded from school for more than 10 days. Expulsions are usually reserved for extremely serious infractions or "gross disobedience or misconduct." Expulsions are far more serious than suspensions and can result in a student being excluded from attending any public school in Illinois for up to two years depending on the severity of the conduct. Multiple out-of-school suspensions can sometimes trigger an expulsion hearing. A student who is subject to expulsion may be eligible to transfer to an alternative school program. Schools may ask a student to enter into an agreement to leave the school in order to avoid going through the expulsion process; however students should be cautious about entering into these types of agreements and evaluate carefully what other school options they may have.

Question: What are my due process rights during the expulsion process?

Answer: If you are being referred for expulsion by your school, you are entitled to some basic due process protections. A student cannot be expelled from school until a meeting or hearing has taken place with the student, the student's parent(s) or guardian(s) and a hearing officer present to discuss the alleged behavior. During the expulsion process, you have the following due process rights:

- To receive written notice of the hearing/meeting (usually by registered or certified mail) stating the time, place, and purpose;
 - An opportunity to respond to the allegations, including presenting witnesses and evidence;
 - To be represented by an attorney or advocate (*if you are referred for expulsion, you should contact an attorney right away. To locate one near you, visit www.illinoislegalaidonline.org. At the homepage, click the "Get Legal Help" button); and
 - To have an independent hearing officer appointed.
-

Question: What happens at a hearing?

Answer: Expulsion hearings usually occur within days of the incident, but can take weeks or months in certain circumstances. The school district will present their case, often through an attorney, and may present witnesses including school personnel. Students or their attorney/parent/advocate can cross-examine school district witnesses. Students can present their own witnesses and evidence, including positive mitigating information, such as the student's educational goals or community involvement. Students cannot be compelled to testify and should be careful in doing so if there was an arrest for the same incident. The hearing officer will send a written summary of the evidence to the school board. The board will vote on whether to expel the student and for how long. Before expelling a student, the school board must consider the following five (5) factors: (1) the egregiousness of the conduct, (2) the past disciplinary history of the student, (3) the likelihood that the conduct impacted the delivery of educational services to other students, (4) the severity of the punishment, and (5) the best interests of the student. If the school board decides to expel the child, that decision may be appealed further by filing in state court. The law imposes additional steps on school districts seeking to expel special education students. For more information, see the [Special Education/Discipline](#) section in this chapter.

Question: Will disciplinary actions hurt me in the long term?

Answer: That depends. Expulsion will have the most negative impact as you will miss a considerable amount of time from school. If you transfer to one high school to another, the disciplinary records may be sent without requiring your consent. If you go to another district, you cannot be denied enrollment due to the disciplinary records, but your records may be considered if you request to be transferred to a school in the same or different district. If you have been expelled, you will not be able to transfer to another public school until the expulsion period has ended (can be up to two years). When you graduate from high school, the disciplinary records should be destroyed at that time and the records should not be a part of your transcript. Under the federal Family Educational Rights and Privacy Act, colleges are not entitled to have access to your disciplinary history. These records cannot be released unless a parent or student (18 years old or legally [emancipated](#)) authorizes the release. Still, most colleges ask you for records if you were disciplined in high school.

Question: Do I need a lawyer?



Answer: Yes. You should get legal help before any disciplinary hearing takes place in order to protect your due process rights. To locate an attorney in your area, visit www.illinoislegalaidonline.org. At the homepage, click on the "Get Legal Help" button.

Education

Graduation

Question: I'm about to graduate. How can I apply for financial assistance for college?

Answer: Significant financial aid for college may be available to you. The Free Application for Federal Student Aid ("FAFSA") is the federal application that students must complete in order to apply for virtually all types of financial aid: Pell Grants, State Grants, Institutional Grants (grants from the college or university), tuition waivers, work study, and loans. Usually, you must provide financial information from your parents or guardians to determine whether you qualify for aid unless you are deemed an independent student.

Question: Is there financial options that do not involve loans I have to repay?

Answer: Yes, there is Pell Grants, State Grants, Institutional Grants (grants from the college or university), tuition waivers, and work study that do not have to be repaid. In addition, the Monetary Award Program (MAP) provides grants, which do not need to be repaid, to Illinois residents who attend approved Illinois colleges and demonstrate financial need, based on the information provided on the FAFSA. You are not required to submit high school grades or test scores when applying for a MAP grant. MAP grants are not limited to traditional college-aged students. If all eligibility requirements are met, adult and non-traditional students (older than recent high school graduates) may also qualify. MAP grants can be applied only toward tuition and mandatory fees. More information about MAP grants is available here: <http://www.isac.org/students/during-college/types-of-financial-aid/grants/monetary-award-program/> Additional information about the Federal Pell Grant is available here <https://studentaid.ed.gov/sa/resources#college-prep-and-pay> and <https://studentaid.ed.gov/sa/types/grants-scholarships/pell>.

Question: What if I do not have contact with my parents can I still apply for financial aid and attend college?

Answer: Yes, under the Higher Education Act, youth who meet the definition of "independent

student" can apply for federal aid without getting parent financial information or a signature. Independent students may also qualify for much more financial aid. Unaccompanied homeless youth or unaccompanied, self supporting youth at-risk for homelessness qualify as independent students (there are other categories of independent students for the purposes of the FAFSA) . A student can be verified as an unaccompanied homeless youth by your high school homeless liaison, Runaway and Homeless Youth Act program director or designee, HUD homeless assistance program director/designee and a financial aid administrator. Your homeless liaison can work with you to fill out the FAFSA form, and take steps to ensure you are identified as an independent student at any colleges to which you apply. You should reach out to the financial aid office to schedule a meeting to discuss the process for being determined as an independent student. You may need correspondence and letters from your current school district's [homeless liaison](#), counselors, social workers, employers, religious leaders or other service providers in your community to assist with this process. There may be additional financial aid or assistance available to you as a result.

Question: Who is considered an independent student?

Answer: You are an “**independent student**” and don’t need your parents information for the FAFSA if you:

- Are 24 or over by January 1 of the school year for which you are applying for financial aid;
 - Are married or separated but not divorced;
 - Are you working toward a master’s or doctorate degree;
 - Have children who receive more than half of their support from you;
 - Have dependents (other than children or spouse) who live with you and receive more than half of their support from you;
 - Are currently serving active duty in the U.S. armed forces;
 - Are a veteran of the U.S. armed forces;
 - Have been emancipated by a court;
 - Were in foster care, or were a dependent or ward of the court at any time after you turned 13, or if your parents were deceased after you turned 13;
 - Have a court-appointed guardian who is not your parent or stepparent; and
 - Were determined to be an [unaccompanied youth](#) who was *homeless* or were self-supporting and at risk of being homeless, as determined by (a) your high school or district [homeless liaison](#), (b) the director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development, or (c) the director of a runaway or homeless youth basic center or transitional living program.
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Question: Am I eligible for financial aid if I am undocumented?

Answer: Undocumented students, including [Deferred Action for Childhood Arrivals \(DACA\)](#) students and [Dreamers](#) are not eligible for federal student aid. However, you may be eligible for state or college financial aid. Most states and colleges use information collected on the [Free Application for Federal Student Aid \(FAFSA\)](#) to determine whether you are eligible for aid. If you have a Social Security number, you may complete the FAFSA

Question: If I am not in a stable home situation, what mailing address do I use for correspondence on college applications and aid information?

Answer: Use an address that you can access and that you know will not change, such as your school or your homeless shelter. To the extent that you have a family member, or another adult that you trust, you can provide that person's address, but if you choose to do so, you should be absolutely certain that person is going to remain at that address and hold any mail that comes for you.

Question: Where can I find more information about FAFSA?

Answer:

- <https://www.fasfaa.org/assets/documents/Resources%20for%20foster%20and%20homeless%20youth.pdf>
 - Naehcy.com
 - Schoolhouseconnections.com
 - <https://finaid.org/>
 - <https://studentaid.gov/>
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Question: Can I still receive SNAP if I am in college?

Answer: Students enrolled at least half-time in college or vocational training are NOT eligible for SNAP benefits unless they meet one of the following exceptions:

- Are under 18-years-old or over 50-years-old;

- Work an average of 20 hours per week;
- Participate in a state or federal work study program:
 - Receive TANF cash assistance;
 - Are responsible for the care of a child between 6 and 12-years-old and adequate child care is not available for school or work; OR
 - Are enrolled full-time and is a single parent of a child under 12.

NEW RULE FOR ILLINOIS COMMUNITY COLLEGE STUDENTS: As of January 1, 2018, low-income Illinois community college students enrolled in a Perkins- approved course of study will be eligible to apply for SNAP benefits, whether enrolled full or part-time. For more information please go to the [Public Benefits Chapter](#).

Education

Glossary

Advocate -

A person who works for an organization that provides help to people experiencing human trafficking, and they must have received specialized training in counselling someone suffering from this type of abuse.

Arrest - In the majority of cases, an arrest is the first stage in the criminal justice process. In some cases, an investigation precedes the arrest. In a typical arrest, a defendant is taken into custody by the police.

Charged - Being accused of an offense.

Community Service - Services volunteered by individuals (or compelled by a court or judge) to benefit a community or its institutions. Community service can be ordered by judge in consequence of a PINS petition.

Contact -

Contact of the Victim by an Abuser or continued communication without consent; it may include phone, email, social media etc.

Crime - An action or omission punished by criminal law by a fine and/or imprisonment.

Custody - When you are being held in the care or control of the police or another authority.

DCFS -

Illinois Department of Children and Family Services (DCFS) - State of Illinois lead agency that oversees children and families in Illinois.

Dependent - A person who relies on another person, usually a family member, for financial support (e.g., a child who relies on a parent for financial support is a dependent).

Emancipated - Emancipated is a legal term describing a child's release from the custody and control of his or her parents or guardian.

Evidence - Proof (it can be anything, like pictures, witnesses' statements, videos, fingerprints, objects...) that makes a fact more or less probable than it would be without the evidence. Not all evidence will be accepted at trial.

FAFSA - Free Application for Federal Student Aid. The FAFSA is a form that you complete in order to be considered for financial aid. By completing the FAFSA, you can be eligible to receive scholarships, grants and loans for college.

Foster Care -

A system in which a minor is placed into the care of somebody or an organization authorized by the government to look after that minor (sometimes referred to as a "foster parent").

GED - The GED is a series of tests designed to test skills taught at the high school level. If you pass the GED, you receive the equivalent of a high school diploma.

Guardian - A person who is entrusted by the law with looking after a minor or a personal legally incapable of managing his or her own affairs.

Harassment - An intentional offensive behavior repeated over time that is annoying, disturbing, unwanted.

Homeless Liaison -

Every school district must designate a "homeless liaison" to manage programs and provide services to homeless youth. Federal law (the McKinney-Vento Act) requires homeless liaisons to ensure that you are identified as homeless in order to offer appropriate services to you or your family. Amongst other things, liaisons can assist you with the following:

- Enrolling in school immediately, even if you do not have the papers the school would normally need;
- Getting immunizations, immunization records, or other medical records;
- Providing transportation options to get you to/from school;
- Providing information about available school programs and services;
- Settling disagreements between you and the school;
- Referring you to any needed medical, dental, or mental health services; and

Making sure you have the chance to do well in school.



IDEA - The Individuals with Disabilities Education Act.

IEP - Individualized Education Program.

Independent Student -

An independent student is one of the following:

1. At least 24 years old;
2. Married;
3. A graduate or professional student;
4. A veteran or member of the armed forces;
5. An orphan, a ward of the court, or someone with legal dependents other than a spouse;
6. An emancipated minor; or

Someone who is homeless or at risk of becoming homeless.

Interest - The proportion of a loan that is charged to the **borrower** as the cost of borrowing money. The associated **interest rate** which calculates the total interest is typically expressed as an annual percentage of the loan outstanding.

Interference - Getting involved in an activity or activities where your involvement is not wanted and may lead to the activity not being carried out properly.

McKinney-Vento Act - The McKinney-Vento Homeless Assistance Act.

MDR - Manifestation Determination Review.

Mediator - A person who attempts to make people involved in a conflict come to an agreement.

Medicaid - A government program that provides health coverage to nearly 60 million children, families, pregnant women, the elderly, and people with disabilities. Medicaid covers US citizens and eligible immigrants. In most cases, these services are provided at no cost to families who qualify under Medicaid guidelines. Medicaid pays for a full set of services for children, including preventive care, immunizations, screening and treatment of health conditions, doctor and hospital visits, and vision and dental care.

Mental Health - Psychological well-being and satisfactory adjustment to society and to the ordinary demands of life.



Reasonable - Applying sound judgment, fair and sensible.

School of Origin - The school you were attending when you became homeless.

Section 504 - Section 504 of the Rehabilitation Act of 1973.

Security - Something that secures a debt, meaning if a debt is not paid, the person who should be paid can get the security.

Seizure - Item to be taken from you and held by the police.

Statement - A formal document where you explain what you know or think happened. It can be used against you in court.

Supervision - When someone needs further care or attention, supervision may be ordered. This can include probation or placement in a foster home.

Truancy Action - A truancy action is a disciplinary proceeding brought against you if are absent from school—without permission or explanation—for an extended period of time

Unaccompanied Homeless Youth - Unaccompanied homeless youth are those who lack safe, stable housing and are not in the care of a parent or guardian. They may have run away from home or been forced to leave by their parents. Unaccompanied youth live in a variety of temporary situations, including shelters, the homes of friends or relatives, and public spaces, such as cars, campgrounds, public parks, abandoned buildings, motels, and buses or train stations.

Violation - An offense for which a person may be sentenced to no more than 15 days in jail.

Education

Legal Disclaimer

Disclaimer: On June 24, 2022, the Supreme Court eliminated the federal constitutional right to abortion. The ruling leaves it to the individual states to decide whether to protect the right to an abortion. The HYH has not yet been updated to address these recent developments. We are working on updates.

The materials and content provided in this Handbook are for general information only and are not intended as legal advice. Although we strive to provide accurate and up to date legal information, we cannot promise it is error free or that it is suitable for your specific concerns. Therefore, you should contact an attorney to obtain legal advice for any issue specific to your situation. If you use the materials and information provided in this Handbook or links to the website, it does not create an attorney-client relationship between us or any providers of information you find in this handbook or website, and we take no responsibility for any information linked to this Handbook or this website.

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Law is generally described as of March 1, 2018.