

***Joint Committee on Administrative Rules***  
**ADMINISTRATIVE CODE**

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION  
PART 1 PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION  
SECTION 1.240 EQUAL OPPORTUNITIES FOR ALL STUDENTS

**Section 1.240 Equal Opportunities for all Students**

- a) All students within a school district must be provided equal opportunities in all education programs and services provided by the system (see Section 10-20.12 of the School Code).
- b) No school system may *exclude or segregate any pupil*, or discriminate against any pupil on the basis of *color, race, nationality, religion, sex, sexual orientation, ancestry, age, marital status, or physical or mental handicap* [775 ILCS 5/1-102(A)] or status of being homeless [105 ILCS 45/1-5 and 42 USC 11434a(2)]. Further, no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982)). In order to comply with this subsection (b), the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of legal presence, such as a Social Security number. That is, the permissible combinations of documents must be sufficiently variable to afford an opportunity for those who lack proof of legal presence or immigration status to meet the stated requirements. No school district shall impose requirements for enrollment more restrictive than those established under relevant Illinois and federal law. For example, no school system shall require court-ordered guardianship when an individual enrolling a student meets the legal custody requirements of Section 10-20.12b(a)(2)(iv) or (v) of the School Code [105 ILCS 5/10-20.12b(a)(2)(iv) or (v)]; and each school system shall immediately enroll and serve homeless children without requiring the provision of any documentation, in accordance with the Illinois Education for Homeless Children Act [105 ILCS 45] and the McKinney-Vento Homeless Education Assistance Act [42 USC 11434].
- c) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.

(Source: Amended at 31 Ill. Reg. 7135, effective April 25, 2007)