



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3412

Introduced 2/17/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1-3	from Ch. 122, par. 1-3
105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
105 ILCS 5/26-12	from Ch. 122, par. 26-12

Amends the School Boards Article of the School Code. Provides that school personnel may not refer a student to any other local public entity, school public resource officer, or peace officer for the purpose of a local public entity issuing the child a fine or a fee for an incident or behavior that has been or can be pursued through the school district's available disciplinary interventions and consequences. Amends the School Board and Compulsory Attendance Articles of the School Code to make conforming changes. Effective immediately.

LRB103 30173 RJT 56601 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 1-3, 10-22.6, and 26-12 as follows:

6 (105 ILCS 5/1-3) (from Ch. 122, par. 1-3)

7 Sec. 1-3. Definitions. In this Code:

8 The terms "common schools", "free schools" and "public
9 schools" are used interchangeably to apply to any school
10 operated by authority of this Act.

11 "School board" means the governing body of any district
12 created or operating under authority of this Code, including
13 board of school directors and board of education. When the
14 context so indicates it also means the governing body of any
15 non-high school district and of any special charter district,
16 including a board of school inspectors.

17 "School fees" or "fees" means any monetary charge
18 collected by a public school, public school district, or
19 charter school from a student or the parents or guardian of a
20 student as a prerequisite for the student's participation in
21 any curricular or extracurricular program of the school or
22 school district as defined under paragraphs (1) and (2) of
23 subsection (a) of Section 1.245 of Title 23 of the Illinois

1 Administrative Code.

2 "School personnel" means persons employed by, on contract
3 with, or who volunteer in a school district, charter school,
4 or non-public, non-sectarian elementary or secondary school,
5 including, without limitation, school and school district
6 administrators, teachers, school social workers, school
7 counselors, school psychologists, school nurses, cafeteria
8 workers, custodians, bus drivers, school resource officers,
9 and security guards.

10 "Special charter district" means any city, township, or
11 district organized into a school district, under a special Act
12 or charter of the General Assembly or in which schools are now
13 managed and operating within such unit in whole or in part
14 under the terms of such special Act or charter.

15 (Source: P.A. 102-687, eff. 12-17-21; 102-805, eff. 1-1-23.)

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

17 (Text of Section before amendment by P.A. 102-466)

18 Sec. 10-22.6. Suspension or expulsion of pupils; school
19 searches.

20 (a) To expel pupils guilty of gross disobedience or
21 misconduct, including gross disobedience or misconduct
22 perpetuated by electronic means, pursuant to subsection (b-20)
23 of this Section, and no action shall lie against them for such
24 expulsion. Expulsion shall take place only after the parents
25 have been requested to appear at a meeting of the board, or

1 with a hearing officer appointed by it, to discuss their
2 child's behavior. Such request shall be made by registered or
3 certified mail and shall state the time, place and purpose of
4 the meeting. The board, or a hearing officer appointed by it,
5 at such meeting shall state the reasons for dismissal and the
6 date on which the expulsion is to become effective. If a
7 hearing officer is appointed by the board, he shall report to
8 the board a written summary of the evidence heard at the
9 meeting and the board may take such action thereon as it finds
10 appropriate. If the board acts to expel a pupil, the written
11 expulsion decision shall detail the specific reasons why
12 removing the pupil from the learning environment is in the
13 best interest of the school. The expulsion decision shall also
14 include a rationale as to the specific duration of the
15 expulsion. An expelled pupil may be immediately transferred to
16 an alternative program in the manner provided in Article 13A
17 or 13B of this Code. A pupil must not be denied transfer
18 because of the expulsion, except in cases in which such
19 transfer is deemed to cause a threat to the safety of students
20 or staff in the alternative program.

21 (b) To suspend or by policy to authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of gross disobedience or misconduct, or to suspend
25 pupils guilty of gross disobedience or misconduct on the
26 school bus from riding the school bus, pursuant to subsections

1 (b-15) and (b-20) of this Section, and no action shall lie
2 against them for such suspension. The board may by policy
3 authorize the superintendent of the district or the principal,
4 assistant principal, or dean of students of any school to
5 suspend pupils guilty of such acts for a period not to exceed
6 10 school days. If a pupil is suspended due to gross
7 disobedience or misconduct on a school bus, the board may
8 suspend the pupil in excess of 10 school days for safety
9 reasons.

10 Any suspension shall be reported immediately to the
11 parents or guardian of a pupil along with a full statement of
12 the reasons for such suspension and a notice of their right to
13 a review. The school board must be given a summary of the
14 notice, including the reason for the suspension and the
15 suspension length. Upon request of the parents or guardian,
16 the school board or a hearing officer appointed by it shall
17 review such action of the superintendent or principal,
18 assistant principal, or dean of students. At such review, the
19 parents or guardian of the pupil may appear and discuss the
20 suspension with the board or its hearing officer. If a hearing
21 officer is appointed by the board, he shall report to the board
22 a written summary of the evidence heard at the meeting. After
23 its hearing or upon receipt of the written report of its
24 hearing officer, the board may take such action as it finds
25 appropriate. If a student is suspended pursuant to this
26 subsection (b), the board shall, in the written suspension

1 decision, detail the specific act of gross disobedience or
2 misconduct resulting in the decision to suspend. The
3 suspension decision shall also include a rationale as to the
4 specific duration of the suspension. A pupil who is suspended
5 in excess of 20 school days may be immediately transferred to
6 an alternative program in the manner provided in Article 13A
7 or 13B of this Code. A pupil must not be denied transfer
8 because of the suspension, except in cases in which such
9 transfer is deemed to cause a threat to the safety of students
10 or staff in the alternative program.

11 (b-5) Among the many possible disciplinary interventions
12 and consequences available to school officials, school
13 exclusions, such as out-of-school suspensions and expulsions,
14 are the most serious. School officials shall limit the number
15 and duration of expulsions and suspensions to the greatest
16 extent practicable, and it is recommended that they use them
17 only for legitimate educational purposes. To ensure that
18 students are not excluded from school unnecessarily, it is
19 recommended that school officials consider forms of
20 non-exclusionary discipline prior to using out-of-school
21 suspensions or expulsions.

22 (b-10) Unless otherwise required by federal law or this
23 Code, school boards may not institute zero-tolerance policies
24 by which school administrators are required to suspend or
25 expel students for particular behaviors.

26 (b-15) Out-of-school suspensions of 3 days or less may be

1 used only if the student's continuing presence in school would
2 pose a threat to school safety or a disruption to other
3 students' learning opportunities. For purposes of this
4 subsection (b-15), "threat to school safety or a disruption to
5 other students' learning opportunities" shall be determined on
6 a case-by-case basis by the school board or its designee.
7 School officials shall make all reasonable efforts to resolve
8 such threats, address such disruptions, and minimize the
9 length of suspensions to the greatest extent practicable.

10 (b-20) Unless otherwise required by this Code,
11 out-of-school suspensions of longer than 3 days, expulsions,
12 and disciplinary removals to alternative schools may be used
13 only if other appropriate and available behavioral and
14 disciplinary interventions have been exhausted and the
15 student's continuing presence in school would either (i) pose
16 a threat to the safety of other students, staff, or members of
17 the school community or (ii) substantially disrupt, impede, or
18 interfere with the operation of the school. For purposes of
19 this subsection (b-20), "threat to the safety of other
20 students, staff, or members of the school community" and
21 "substantially disrupt, impede, or interfere with the
22 operation of the school" shall be determined on a case-by-case
23 basis by school officials. For purposes of this subsection
24 (b-20), the determination of whether "appropriate and
25 available behavioral and disciplinary interventions have been
26 exhausted" shall be made by school officials. School officials

1 shall make all reasonable efforts to resolve such threats,
2 address such disruptions, and minimize the length of student
3 exclusions to the greatest extent practicable. Within the
4 suspension decision described in subsection (b) of this
5 Section or the expulsion decision described in subsection (a)
6 of this Section, it shall be documented whether other
7 interventions were attempted or whether it was determined that
8 there were no other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer
10 than 4 school days shall be provided appropriate and available
11 support services during the period of their suspension. For
12 purposes of this subsection (b-25), "appropriate and available
13 support services" shall be determined by school authorities.
14 Within the suspension decision described in subsection (b) of
15 this Section, it shall be documented whether such services are
16 to be provided or whether it was determined that there are no
17 such appropriate and available services.

18 A school district may refer students who are expelled to
19 appropriate and available support services.

20 A school district shall create a policy to facilitate the
21 re-engagement of students who are suspended out-of-school,
22 expelled, or returning from an alternative school setting.

23 (b-30) A school district shall create a policy by which
24 suspended pupils, including those pupils suspended from the
25 school bus who do not have alternate transportation to school,
26 shall have the opportunity to make up work for equivalent

1 academic credit. It shall be the responsibility of a pupil's
2 parent or guardian to notify school officials that a pupil
3 suspended from the school bus does not have alternate
4 transportation to school.

5 (c) A school board must invite a representative from a
6 local mental health agency to consult with the board at the
7 meeting whenever there is evidence that mental illness may be
8 the cause of a student's expulsion or suspension.

9 (c-5) School districts shall make reasonable efforts to
10 provide ongoing professional development to teachers,
11 administrators, school board members, school resource
12 officers, and staff on the adverse consequences of school
13 exclusion and justice-system involvement, effective classroom
14 management strategies, culturally responsive discipline, the
15 appropriate and available supportive services for the
16 promotion of student attendance and engagement, and
17 developmentally appropriate disciplinary methods that promote
18 positive and healthy school climates.

19 (d) The board may expel a student for a definite period of
20 time not to exceed 2 calendar years, as determined on a
21 case-by-case basis. A student who is determined to have
22 brought one of the following objects to school, any
23 school-sponsored activity or event, or any activity or event
24 that bears a reasonable relationship to school shall be
25 expelled for a period of not less than one year:

26 (1) A firearm. For the purposes of this Section,

1 "firearm" means any gun, rifle, shotgun, weapon as defined
2 by Section 921 of Title 18 of the United States Code,
3 firearm as defined in Section 1.1 of the Firearm Owners
4 Identification Card Act, or firearm as defined in Section
5 24-1 of the Criminal Code of 2012. The expulsion period
6 under this subdivision (1) may be modified by the
7 superintendent, and the superintendent's determination may
8 be modified by the board on a case-by-case basis.

9 (2) A knife, brass knuckles or other knuckle weapon
10 regardless of its composition, a billy club, or any other
11 object if used or attempted to be used to cause bodily
12 harm, including "look alike" of any firearm as defined in
13 subdivision (1) of this subsection (d). The expulsion
14 requirement under this subdivision (2) may be modified by
15 the superintendent, and the superintendent's determination
16 may be modified by the board on a case-by-case basis.

17 Expulsion or suspension shall be construed in a manner
18 consistent with the federal Individuals with Disabilities
19 Education Act. A student who is subject to suspension or
20 expulsion as provided in this Section may be eligible for a
21 transfer to an alternative school program in accordance with
22 Article 13A of the School Code.

23 (d-5) The board may suspend or by regulation authorize the
24 superintendent of the district or the principal, assistant
25 principal, or dean of students of any school to suspend a
26 student for a period not to exceed 10 school days or may expel

1 a student for a definite period of time not to exceed 2
2 calendar years, as determined on a case-by-case basis, if (i)
3 that student has been determined to have made an explicit
4 threat on an Internet website against a school employee, a
5 student, or any school-related personnel, (ii) the Internet
6 website through which the threat was made is a site that was
7 accessible within the school at the time the threat was made or
8 was available to third parties who worked or studied within
9 the school grounds at the time the threat was made, and (iii)
10 the threat could be reasonably interpreted as threatening to
11 the safety and security of the threatened individual because
12 of his or her duties or employment status or status as a
13 student inside the school.

14 (e) To maintain order and security in the schools, school
15 authorities may inspect and search places and areas such as
16 lockers, desks, parking lots, and other school property and
17 equipment owned or controlled by the school, as well as
18 personal effects left in those places and areas by students,
19 without notice to or the consent of the student, and without a
20 search warrant. As a matter of public policy, the General
21 Assembly finds that students have no reasonable expectation of
22 privacy in these places and areas or in their personal effects
23 left in these places and areas. School authorities may request
24 the assistance of law enforcement officials for the purpose of
25 conducting inspections and searches of lockers, desks, parking
26 lots, and other school property and equipment owned or

1 controlled by the school for illegal drugs, weapons, or other
2 illegal or dangerous substances or materials, including
3 searches conducted through the use of specially trained dogs.
4 If a search conducted in accordance with this Section produces
5 evidence that the student has violated or is violating either
6 the law, local ordinance, or the school's policies or rules,
7 such evidence may be seized by school authorities, and
8 disciplinary action may be taken. School authorities may also
9 turn over such evidence to law enforcement authorities.

10 (f) Suspension or expulsion may include suspension or
11 expulsion from school and all school activities and a
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if
14 a student is suspended or expelled for any reason from any
15 public or private school in this or any other state, the
16 student must complete the entire term of the suspension or
17 expulsion in an alternative school program under Article 13A
18 of this Code or an alternative learning opportunities program
19 under Article 13B of this Code before being admitted into the
20 school district if there is no threat to the safety of students
21 or staff in the alternative program.

22 (h) School officials shall not advise or encourage
23 students to drop out voluntarily due to behavioral or academic
24 difficulties.

25 (i) A student may not be issued a monetary fine or fee as a
26 disciplinary consequence, though this shall not preclude

1 requiring a student to provide restitution for lost, stolen,
2 or damaged property. School personnel may not refer a student
3 to any other local public entity, as defined under Section
4 1-206 of the Local Governmental and Governmental Employees
5 Tort Immunity Act, school public resource officer, as defined
6 under Section 10-20.68 of this Code, or peace officer, as
7 defined under Section 2-13 of the Criminal Code, for the
8 purpose of a local public entity issuing the child a fine or a
9 fee for an incident or behavior that has been or can be pursued
10 through the school district's available disciplinary
11 interventions and consequences.

12 (j) Subsections (a) through (i) of this Section shall
13 apply to elementary and secondary schools, charter schools,
14 special charter districts, and school districts organized
15 under Article 34 of this Code.

16 (k) The expulsion of children enrolled in programs funded
17 under Section 1C-2 of this Code is subject to the requirements
18 under paragraph (7) of subsection (a) of Section 2-3.71 of
19 this Code.

20 (l) Beginning with the 2018-2019 school year, an in-school
21 suspension program provided by a school district for any
22 students in kindergarten through grade 12 may focus on
23 promoting non-violent conflict resolution and positive
24 interaction with other students and school personnel. A school
25 district may employ a school social worker or a licensed
26 mental health professional to oversee an in-school suspension

1 program in kindergarten through grade 12.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;
3 102-813, eff. 5-13-22.)

4 (Text of Section after amendment by P.A. 102-466)

5 Sec. 10-22.6. Suspension or expulsion of pupils; school
6 searches.

7 (a) To expel pupils guilty of gross disobedience or
8 misconduct, including gross disobedience or misconduct
9 perpetuated by electronic means, pursuant to subsection (b-20)
10 of this Section, and no action shall lie against them for such
11 expulsion. Expulsion shall take place only after the parents
12 or guardians have been requested to appear at a meeting of the
13 board, or with a hearing officer appointed by it, to discuss
14 their child's behavior. Such request shall be made by
15 registered or certified mail and shall state the time, place
16 and purpose of the meeting. The board, or a hearing officer
17 appointed by it, at such meeting shall state the reasons for
18 dismissal and the date on which the expulsion is to become
19 effective. If a hearing officer is appointed by the board, he
20 shall report to the board a written summary of the evidence
21 heard at the meeting and the board may take such action thereon
22 as it finds appropriate. If the board acts to expel a pupil,
23 the written expulsion decision shall detail the specific
24 reasons why removing the pupil from the learning environment
25 is in the best interest of the school. The expulsion decision

1 shall also include a rationale as to the specific duration of
2 the expulsion. An expelled pupil may be immediately
3 transferred to an alternative program in the manner provided
4 in Article 13A or 13B of this Code. A pupil must not be denied
5 transfer because of the expulsion, except in cases in which
6 such transfer is deemed to cause a threat to the safety of
7 students or staff in the alternative program.

8 (b) To suspend or by policy to authorize the
9 superintendent of the district or the principal, assistant
10 principal, or dean of students of any school to suspend pupils
11 guilty of gross disobedience or misconduct, or to suspend
12 pupils guilty of gross disobedience or misconduct on the
13 school bus from riding the school bus, pursuant to subsections
14 (b-15) and (b-20) of this Section, and no action shall lie
15 against them for such suspension. The board may by policy
16 authorize the superintendent of the district or the principal,
17 assistant principal, or dean of students of any school to
18 suspend pupils guilty of such acts for a period not to exceed
19 10 school days. If a pupil is suspended due to gross
20 disobedience or misconduct on a school bus, the board may
21 suspend the pupil in excess of 10 school days for safety
22 reasons.

23 Any suspension shall be reported immediately to the
24 parents or guardians of a pupil along with a full statement of
25 the reasons for such suspension and a notice of their right to
26 a review. The school board must be given a summary of the

1 notice, including the reason for the suspension and the
2 suspension length. Upon request of the parents or guardians,
3 the school board or a hearing officer appointed by it shall
4 review such action of the superintendent or principal,
5 assistant principal, or dean of students. At such review, the
6 parents or guardians of the pupil may appear and discuss the
7 suspension with the board or its hearing officer. If a hearing
8 officer is appointed by the board, he shall report to the board
9 a written summary of the evidence heard at the meeting. After
10 its hearing or upon receipt of the written report of its
11 hearing officer, the board may take such action as it finds
12 appropriate. If a student is suspended pursuant to this
13 subsection (b), the board shall, in the written suspension
14 decision, detail the specific act of gross disobedience or
15 misconduct resulting in the decision to suspend. The
16 suspension decision shall also include a rationale as to the
17 specific duration of the suspension. A pupil who is suspended
18 in excess of 20 school days may be immediately transferred to
19 an alternative program in the manner provided in Article 13A
20 or 13B of this Code. A pupil must not be denied transfer
21 because of the suspension, except in cases in which such
22 transfer is deemed to cause a threat to the safety of students
23 or staff in the alternative program.

24 (b-5) Among the many possible disciplinary interventions
25 and consequences available to school officials, school
26 exclusions, such as out-of-school suspensions and expulsions,

1 are the most serious. School officials shall limit the number
2 and duration of expulsions and suspensions to the greatest
3 extent practicable, and it is recommended that they use them
4 only for legitimate educational purposes. To ensure that
5 students are not excluded from school unnecessarily, it is
6 recommended that school officials consider forms of
7 non-exclusionary discipline prior to using out-of-school
8 suspensions or expulsions.

9 (b-10) Unless otherwise required by federal law or this
10 Code, school boards may not institute zero-tolerance policies
11 by which school administrators are required to suspend or
12 expel students for particular behaviors.

13 (b-15) Out-of-school suspensions of 3 days or less may be
14 used only if the student's continuing presence in school would
15 pose a threat to school safety or a disruption to other
16 students' learning opportunities. For purposes of this
17 subsection (b-15), "threat to school safety or a disruption to
18 other students' learning opportunities" shall be determined on
19 a case-by-case basis by the school board or its designee.
20 School officials shall make all reasonable efforts to resolve
21 such threats, address such disruptions, and minimize the
22 length of suspensions to the greatest extent practicable.

23 (b-20) Unless otherwise required by this Code,
24 out-of-school suspensions of longer than 3 days, expulsions,
25 and disciplinary removals to alternative schools may be used
26 only if other appropriate and available behavioral and

1 disciplinary interventions have been exhausted and the
2 student's continuing presence in school would either (i) pose
3 a threat to the safety of other students, staff, or members of
4 the school community or (ii) substantially disrupt, impede, or
5 interfere with the operation of the school. For purposes of
6 this subsection (b-20), "threat to the safety of other
7 students, staff, or members of the school community" and
8 "substantially disrupt, impede, or interfere with the
9 operation of the school" shall be determined on a case-by-case
10 basis by school officials. For purposes of this subsection
11 (b-20), the determination of whether "appropriate and
12 available behavioral and disciplinary interventions have been
13 exhausted" shall be made by school officials. School officials
14 shall make all reasonable efforts to resolve such threats,
15 address such disruptions, and minimize the length of student
16 exclusions to the greatest extent practicable. Within the
17 suspension decision described in subsection (b) of this
18 Section or the expulsion decision described in subsection (a)
19 of this Section, it shall be documented whether other
20 interventions were attempted or whether it was determined that
21 there were no other appropriate and available interventions.

22 (b-25) Students who are suspended out-of-school for longer
23 than 4 school days shall be provided appropriate and available
24 support services during the period of their suspension. For
25 purposes of this subsection (b-25), "appropriate and available
26 support services" shall be determined by school authorities.

1 Within the suspension decision described in subsection (b) of
2 this Section, it shall be documented whether such services are
3 to be provided or whether it was determined that there are no
4 such appropriate and available services.

5 A school district may refer students who are expelled to
6 appropriate and available support services.

7 A school district shall create a policy to facilitate the
8 re-engagement of students who are suspended out-of-school,
9 expelled, or returning from an alternative school setting.

10 (b-30) A school district shall create a policy by which
11 suspended pupils, including those pupils suspended from the
12 school bus who do not have alternate transportation to school,
13 shall have the opportunity to make up work for equivalent
14 academic credit. It shall be the responsibility of a pupil's
15 parents or guardians to notify school officials that a pupil
16 suspended from the school bus does not have alternate
17 transportation to school.

18 (b-35) In all suspension review hearings conducted under
19 subsection (b) or expulsion hearings conducted under
20 subsection (a), a student may disclose any factor to be
21 considered in mitigation, including his or her status as a
22 parent, expectant parent, or victim of domestic or sexual
23 violence, as defined in Article 26A. A representative of the
24 parent's or guardian's choice, or of the student's choice if
25 emancipated, must be permitted to represent the student
26 throughout the proceedings and to address the school board or

1 its appointed hearing officer. With the approval of the
2 student's parent or guardian, or of the student if
3 emancipated, a support person must be permitted to accompany
4 the student to any disciplinary hearings or proceedings. The
5 representative or support person must comply with any rules of
6 the school district's hearing process. If the representative
7 or support person violates the rules or engages in behavior or
8 advocacy that harasses, abuses, or intimidates either party, a
9 witness, or anyone else in attendance at the hearing, the
10 representative or support person may be prohibited from
11 further participation in the hearing or proceeding. A
12 suspension or expulsion proceeding under this subsection
13 (b-35) must be conducted independently from any ongoing
14 criminal investigation or proceeding, and an absence of
15 pending or possible criminal charges, criminal investigations,
16 or proceedings may not be a factor in school disciplinary
17 decisions.

18 (b-40) During a suspension review hearing conducted under
19 subsection (b) or an expulsion hearing conducted under
20 subsection (a) that involves allegations of sexual violence by
21 the student who is subject to discipline, neither the student
22 nor his or her representative shall directly question nor have
23 direct contact with the alleged victim. The student who is
24 subject to discipline or his or her representative may, at the
25 discretion and direction of the school board or its appointed
26 hearing officer, suggest questions to be posed by the school

1 board or its appointed hearing officer to the alleged victim.

2 (c) A school board must invite a representative from a
3 local mental health agency to consult with the board at the
4 meeting whenever there is evidence that mental illness may be
5 the cause of a student's expulsion or suspension.

6 (c-5) School districts shall make reasonable efforts to
7 provide ongoing professional development to teachers,
8 administrators, school board members, school resource
9 officers, and staff on the adverse consequences of school
10 exclusion and justice-system involvement, effective classroom
11 management strategies, culturally responsive discipline, the
12 appropriate and available supportive services for the
13 promotion of student attendance and engagement, and
14 developmentally appropriate disciplinary methods that promote
15 positive and healthy school climates.

16 (d) The board may expel a student for a definite period of
17 time not to exceed 2 calendar years, as determined on a
18 case-by-case basis. A student who is determined to have
19 brought one of the following objects to school, any
20 school-sponsored activity or event, or any activity or event
21 that bears a reasonable relationship to school shall be
22 expelled for a period of not less than one year:

23 (1) A firearm. For the purposes of this Section,
24 "firearm" means any gun, rifle, shotgun, weapon as defined
25 by Section 921 of Title 18 of the United States Code,
26 firearm as defined in Section 1.1 of the Firearm Owners

1 Identification Card Act, or firearm as defined in Section
2 24-1 of the Criminal Code of 2012. The expulsion period
3 under this subdivision (1) may be modified by the
4 superintendent, and the superintendent's determination may
5 be modified by the board on a case-by-case basis.

6 (2) A knife, brass knuckles or other knuckle weapon
7 regardless of its composition, a billy club, or any other
8 object if used or attempted to be used to cause bodily
9 harm, including "look alike" of any firearm as defined in
10 subdivision (1) of this subsection (d). The expulsion
11 requirement under this subdivision (2) may be modified by
12 the superintendent, and the superintendent's determination
13 may be modified by the board on a case-by-case basis.

14 Expulsion or suspension shall be construed in a manner
15 consistent with the federal Individuals with Disabilities
16 Education Act. A student who is subject to suspension or
17 expulsion as provided in this Section may be eligible for a
18 transfer to an alternative school program in accordance with
19 Article 13A of the School Code.

20 (d-5) The board may suspend or by regulation authorize the
21 superintendent of the district or the principal, assistant
22 principal, or dean of students of any school to suspend a
23 student for a period not to exceed 10 school days or may expel
24 a student for a definite period of time not to exceed 2
25 calendar years, as determined on a case-by-case basis, if (i)
26 that student has been determined to have made an explicit

1 threat on an Internet website against a school employee, a
2 student, or any school-related personnel, (ii) the Internet
3 website through which the threat was made is a site that was
4 accessible within the school at the time the threat was made or
5 was available to third parties who worked or studied within
6 the school grounds at the time the threat was made, and (iii)
7 the threat could be reasonably interpreted as threatening to
8 the safety and security of the threatened individual because
9 of his or her duties or employment status or status as a
10 student inside the school.

11 (e) To maintain order and security in the schools, school
12 authorities may inspect and search places and areas such as
13 lockers, desks, parking lots, and other school property and
14 equipment owned or controlled by the school, as well as
15 personal effects left in those places and areas by students,
16 without notice to or the consent of the student, and without a
17 search warrant. As a matter of public policy, the General
18 Assembly finds that students have no reasonable expectation of
19 privacy in these places and areas or in their personal effects
20 left in these places and areas. School authorities may request
21 the assistance of law enforcement officials for the purpose of
22 conducting inspections and searches of lockers, desks, parking
23 lots, and other school property and equipment owned or
24 controlled by the school for illegal drugs, weapons, or other
25 illegal or dangerous substances or materials, including
26 searches conducted through the use of specially trained dogs.

1 If a search conducted in accordance with this Section produces
2 evidence that the student has violated or is violating either
3 the law, local ordinance, or the school's policies or rules,
4 such evidence may be seized by school authorities, and
5 disciplinary action may be taken. School authorities may also
6 turn over such evidence to law enforcement authorities.

7 (f) Suspension or expulsion may include suspension or
8 expulsion from school and all school activities and a
9 prohibition from being present on school grounds.

10 (g) A school district may adopt a policy providing that if
11 a student is suspended or expelled for any reason from any
12 public or private school in this or any other state, the
13 student must complete the entire term of the suspension or
14 expulsion in an alternative school program under Article 13A
15 of this Code or an alternative learning opportunities program
16 under Article 13B of this Code before being admitted into the
17 school district if there is no threat to the safety of students
18 or staff in the alternative program. A school district that
19 adopts a policy under this subsection (g) must include a
20 provision allowing for consideration of any mitigating
21 factors, including, but not limited to, a student's status as
22 a parent, expectant parent, or victim of domestic or sexual
23 violence, as defined in Article 26A.

24 (h) School officials shall not advise or encourage
25 students to drop out voluntarily due to behavioral or academic
26 difficulties.

1 (i) A student may not be issued a monetary fine or fee as a
2 disciplinary consequence, though this shall not preclude
3 requiring a student to provide restitution for lost, stolen,
4 or damaged property. School personnel may not refer a student
5 to any other local public entity, as defined under Section
6 1-206 of the Local Governmental and Governmental Employees
7 Tort Immunity Act, school public resource officer, as defined
8 under Section 10-20.68 of this Code, or peace officer, as
9 defined under Section 2-13 of the Criminal Code, for the
10 purpose of a local public entity issuing the child a fine or a
11 fee for an incident or behavior that has been or can be pursued
12 through the school district's available disciplinary
13 interventions and consequences.

14 (j) Subsections (a) through (i) of this Section shall
15 apply to elementary and secondary schools, charter schools,
16 special charter districts, and school districts organized
17 under Article 34 of this Code.

18 (k) The expulsion of children enrolled in programs funded
19 under Section 1C-2 of this Code is subject to the requirements
20 under paragraph (7) of subsection (a) of Section 2-3.71 of
21 this Code.

22 (l) Beginning with the 2018-2019 school year, an in-school
23 suspension program provided by a school district for any
24 students in kindergarten through grade 12 may focus on
25 promoting non-violent conflict resolution and positive
26 interaction with other students and school personnel. A school

1 district may employ a school social worker or a licensed
2 mental health professional to oversee an in-school suspension
3 program in kindergarten through grade 12.

4 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
5 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

6 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

7 Sec. 26-12. Punitive action.

8 (a) No punitive action, including out-of-school
9 suspensions, expulsions, or court action, shall be taken
10 against truant minors for such truancy unless appropriate and
11 available supportive services and other school resources have
12 been provided to the student. Notwithstanding the provisions
13 of Section 10-22.6 of this Code, a truant minor may not be
14 expelled for nonattendance unless he or she has accrued 15
15 consecutive days of absences without valid cause and the
16 student cannot be located by the school district or the school
17 district has located the student but cannot, after exhausting
18 all available supportive services, compel the student to
19 return to school.

20 (b) School personnel ~~A school district~~ may not refer a
21 truant, chronic truant, or truant minor to any other local
22 public entity, as defined under Section 1-206 of the Local
23 Governmental and Governmental Employees Tort Immunity Act,
24 school public resource officer, as defined under Section
25 10-20.68 of this Code, or peace officer, as defined under

1 Section 2-13 of the Criminal Code, for that local public
2 entity to issue the child a fine or a fee as punishment for his
3 or her truancy.

4 (c) A school district may refer any person having custody
5 or control of a truant, chronic truant, or truant minor to any
6 other local public entity, as defined under Section 1-206 of
7 the Local Governmental and Governmental Employees Tort
8 Immunity Act, for that local public entity to issue the person
9 a fine or fee for the child's truancy only if the school
10 district's truant officer, regional office of education, or
11 intermediate service center has been notified of the truant
12 behavior and the school district, regional office of
13 education, or intermediate service center has offered all
14 appropriate and available supportive services and other school
15 resources to the child. Before a school district may refer a
16 person having custody or control of a child to a municipality,
17 as defined under Section 1-1-2 of the Illinois Municipal Code,
18 the school district must provide the following appropriate and
19 available services:

20 (1) For any child who is a homeless child, as defined
21 under Section 1-5 of the Education for Homeless Children
22 Act, a meeting between the child, the person having
23 custody or control of the child, relevant school
24 personnel, and a homeless liaison to discuss any barriers
25 to the child's attendance due to the child's transitional
26 living situation and to construct a plan that removes

1 these barriers.

2 (2) For any child with a documented disability, a
3 meeting between the child, the person having custody or
4 control of the child, and relevant school personnel to
5 review the child's current needs and address the
6 appropriateness of the child's placement and services. For
7 any child subject to Article 14 of this Code, this meeting
8 shall be an individualized education program meeting and
9 shall include relevant members of the individualized
10 education program team. For any child with a disability
11 under Section 504 of the federal Rehabilitation Act of
12 1973 (29 U.S.C. 794), this meeting shall be a Section 504
13 plan review and include relevant members of the Section
14 504 plan team.

15 (3) For any child currently being evaluated by a
16 school district for a disability or for whom the school
17 has a basis of knowledge that the child is a child with a
18 disability under 20 U.S.C. 1415(k)(5), the completion of
19 the evaluation and determination of the child's
20 eligibility for special education services.

21 (d) Before a school district may refer a person having
22 custody or control of a child to a local public entity under
23 this Section, the school district must document any
24 appropriate and available supportive services offered to the
25 child. In the event a meeting under this Section does not
26 occur, a school district must have documentation that it made

1 reasonable efforts to convene the meeting at a mutually
2 convenient time and date for the school district and the
3 person having custody or control of the child and, but for the
4 conduct of that person, the meeting would have occurred.

5 (Source: P.A. 100-810, eff. 1-1-19; 100-825, eff. 8-13-18;
6 101-81, eff. 7-12-19.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.