



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1400

Introduced 2/6/2023, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.14	from Ch. 122, par. 10-20.14
105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6

Amends the School Code. In provisions concerning student discipline policies, provides that the State Board of Education shall draft and publish model policy guidelines for the development of reciprocal reporting systems and school bus safety protocols and for evidence-based early intervention procedures. In provisions concerning the suspension or expulsion of students, makes changes concerning a student's gross disobedience or misconduct posing an immediate threat to the health or safety of students or school personnel, when school exclusions should be used, the number and duration of expulsions and suspensions, the implementation of proactive evidence-based interventions that improve behavioral outcomes for all students, non-exclusionary discipline, out-of-school suspensions of 3 days or less, model policy guidelines for the re-engagement of students, professional development, and the removal of children with disabilities who violate the student discipline policies from their current placement. Makes other changes. Effective immediately.

LRB103 25975 RJT 52329 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 10-20.14 and 10-22.6 as follows:

6 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

7 Sec. 10-20.14. Student discipline policies; parent-teacher
8 advisory committee.

9 (a) To establish and maintain a parent-teacher advisory
10 committee to develop with the school board or governing body
11 of a charter school policy guidelines on student ~~pupil~~
12 discipline, including school searches and bullying prevention
13 as set forth in Section 27-23.7 of this Code. School
14 authorities shall furnish a copy of the policy to the parents
15 or guardian of each student ~~pupil~~ within 15 days after the
16 beginning of the school year, or within 15 days after starting
17 classes for a student ~~pupil~~ who transfers into the district
18 during the school year, and the school board or governing body
19 of a charter school shall require that a school inform its
20 students ~~pupils~~ of the contents of the policy. School boards
21 and the governing bodies of charter schools, along with the
22 parent-teacher advisory committee, must annually evaluate
23 ~~review~~ their student ~~pupil~~ discipline policies, and the

1 implementation of those policies, ensuring the fair and
2 consistent enforcement of those policies for all students and
3 the safety and ~~any other factors related to the safety of their~~
4 schools, students ~~pupils~~, and school personnel ~~staff~~.

5 (a-5) On or before September 15, 2016, each elementary and
6 secondary school and charter school shall, at a minimum, adopt
7 student ~~pupil~~ discipline policies that fulfill the
8 requirements set forth in this Section, subsections (a) and
9 (b) of Section 10-22.6 of this Code, Section 34-19 of this Code
10 if applicable, and federal and State laws that provide special
11 requirements for the discipline of students with disabilities.

12 (b) The parent-teacher advisory committee in cooperation
13 with local law enforcement agencies shall develop, with the
14 school board, policy guideline procedures to establish and
15 maintain a reciprocal reporting system between the school
16 district and local law enforcement agencies regarding criminal
17 offenses committed by students. School districts are
18 encouraged to create memoranda of understanding with local law
19 enforcement agencies that clearly define law enforcement's
20 role in schools, in accordance with Section 10-22.6 of this
21 Code. The State Board of Education shall draft and publish
22 model policy guidelines for the development of reciprocal
23 reporting systems in accordance with this Section.

24 (c) The parent-teacher advisory committee, in cooperation
25 with school bus personnel, shall develop, with the school
26 board, policy guideline procedures to establish and maintain

1 school bus safety procedures. These procedures shall be
2 incorporated into the district's student ~~pupil~~ discipline
3 policy. The State Board of Education shall draft and publish
4 model policy guidelines for the development of school bus
5 safety procedures in accordance with this Section.

6 (d) As used in this subsection (d), "evidence-based
7 interventions" means interventions that have demonstrated a
8 statistically significant effect on improving student outcomes
9 as documented in peer-reviewed scholarly journals.

10 The school board, in consultation with the parent-teacher
11 advisory committee and other community-based organizations,
12 must include provisions in the student discipline policy to
13 address students who have demonstrated behaviors that put them
14 at risk for aggressive behavior, including without limitation
15 bullying, as defined in the policy. These provisions must
16 include procedures for notifying parents or legal guardians
17 and early intervention procedures based upon available
18 community-based and district resources.

19 Any early intervention procedures shall be evidence-based
20 interventions. The State Board of Education shall draft and
21 publish model policy guidelines for evidence-based early
22 intervention procedures, including examples, in consultation
23 with behavioral health experts and in accordance with this
24 Section.

25 (Source: P.A. 99-456, eff. 9-15-16.)

1 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

3 Sec. 10-22.6. Suspension or expulsion of students ~~pupils~~;
4 school searches.

5 (a) To expel students ~~pupils~~ guilty of gross disobedience
6 or misconduct, including gross disobedience or misconduct
7 perpetuated by electronic means, pursuant to subsection (b-20)
8 of this Section, and no action shall lie against them for such
9 expulsion. Expulsion shall take place only after the parents
10 have been requested to appear at a meeting of the board, or
11 with a hearing officer appointed by it, to discuss their
12 child's behavior, unless the student's gross disobedience or
13 misconduct poses an immediate threat to the health or safety
14 of students or school personnel. 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, the
20 hearing officer ~~he~~ shall report to the board a written summary
21 of the evidence heard at the meeting and the board may take
22 such action thereon as it finds appropriate. If the board acts
23 to expel a student ~~pupil~~, the written expulsion decision shall
24 detail the specific reasons why removing the student ~~pupil~~
25 from the learning environment is in the best interest of the
26 school. The expulsion decision shall also include a rationale

1 as to the specific duration of the expulsion. An expelled
2 student pupil may be immediately transferred to an alternative
3 program in the manner provided in Article 13A or 13B of this
4 Code. A student pupil must not be denied transfer because of
5 the expulsion, except in cases in which such transfer is
6 deemed to cause a threat to the safety of students or staff in
7 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
11 students pupils guilty of gross disobedience or misconduct, or
12 to suspend students pupils guilty of gross disobedience or
13 misconduct on the school bus from riding the school bus,
14 pursuant to subsections (b-15) and (b-20) of this Section, and
15 no action shall lie against them for such suspension. The
16 board may by policy authorize the superintendent of the
17 district or the principal, assistant principal, or dean of
18 students of any school to suspend students pupils guilty of
19 such acts for a period not to exceed 10 school days. If a
20 student pupil is suspended due to gross disobedience or
21 misconduct on a school bus, the board may suspend the student
22 pupil in excess of 10 school days for safety reasons.

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

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

25 (b-2) As used in this Section:

26 "Evidence-based interventions" means interventions that

1 have demonstrated a statistically significant effect on
2 improving student outcomes documented in peer-reviewed
3 scholarly journals.

4 "Serious bodily injury" means bodily injury that involves
5 a substantial risk of death, extreme physical pain, protracted
6 and obvious disfigurement, or protracted loss or impairment of
7 the function of a bodily member, organ, or mental faculty.

8 (b-5) Among the many possible disciplinary interventions
9 and consequences available to school officials, school
10 exclusions, such as out-of-school suspensions and expulsions,
11 are the most serious and should only be used when the student's
12 presence threatens the operation of the school or the health
13 or safety of students or school personnel. ~~School officials~~
14 ~~shall limit the number and duration of expulsions and~~
15 ~~suspensions to the greatest extent practicable, and it is~~
16 ~~recommended that they use them only for legitimate educational~~
17 ~~purposes.~~ To ensure that students are not excluded from school
18 unnecessarily, it is recommended that school officials
19 consider implementing proactive evidence-based interventions
20 that improve behavioral outcomes for all students. Examples of
21 evidence-based interventions include school-wide positive
22 behavioral interventions and support, restorative justice and
23 the entire continuum of restorative practices, social and
24 emotional learning programs, trauma-informed teaching
25 strategies, and access to appropriate school-based mental
26 health services. In addition, it is recommended that school

1 officials consider forms of non-exclusionary discipline if
2 appropriate prior to using out-of-school suspensions or
3 expulsions. Forms of non-exclusionary discipline include
4 in-school suspensions that allow students to continue academic
5 instruction in an alternative environment, restorative
6 conferences, and small-group instruction on behavior
7 management strategies.

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

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

25 (b-20) Unless otherwise required by this Code,
26 out-of-school suspensions of longer than 3 days, expulsions,

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

25 (b-25) Students who are suspended out-of-school for longer
26 than 4 school days shall be provided appropriate and available

1 support services during the period of their suspension. For
2 purposes of this subsection (b-25), "appropriate and available
3 support services" shall be determined by school authorities.
4 Within the suspension decision described in subsection (b) of
5 this Section, it shall be documented whether such services are
6 to be provided or whether it was determined that there are no
7 such appropriate and available services.

8 The State Board of Education shall draft and publish model
9 policy guidelines for the re-engagement of students who are
10 suspended out-of-school, expelled, or returning from an
11 alternative school setting in accordance with this Section.

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

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

17 (b-30) A school district shall create a policy by which
18 suspended students ~~pupils~~, including those students ~~pupils~~
19 suspended from the school bus who do not have alternate
20 transportation to school, shall have the opportunity to make
21 up work for equivalent academic credit. It shall be the
22 responsibility of a student's ~~pupil's~~ parent or guardian to
23 notify school officials that a student ~~pupil~~ suspended from
24 the school bus does not have alternate transportation to
25 school.

26 (c) A school board must invite a representative from a

1 local mental health agency to consult with the board at the
2 meeting whenever there is evidence that mental illness may be
3 the cause of a student's expulsion or suspension.

4 (c-5) A school district ~~School districts~~ shall ~~make~~
5 ~~reasonable efforts to~~ provide ongoing professional development
6 to all school personnel ~~teachers, administrators, school board~~
7 ~~members, school resource officers, and staff~~ on the adverse
8 consequences of school exclusion and justice-system
9 involvement and the evidence-based interventions employed by
10 the district in accordance with this Section and Section
11 10-20.14, ~~effective classroom management strategies,~~
12 ~~culturally responsive discipline, the appropriate and~~
13 ~~available supportive services for the promotion of student~~
14 ~~attendance and engagement, and developmentally appropriate~~
15 ~~disciplinary methods that promote positive and healthy school~~
16 ~~elimates.~~

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

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

1 firearm as defined in Section 1.1 of the Firearm Owners
2 Identification Card Act, or firearm as defined in Section
3 24-1 of the Criminal Code of 2012. The expulsion period
4 under this subdivision (1) may be modified by the
5 superintendent, and the superintendent's determination may
6 be modified by the board on a case-by-case basis.

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

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

21 (d-3) The board may move a child with a disability, as
22 defined in the federal Individuals with Disabilities Education
23 Act, who violates the student discipline policies from the
24 child's current placement to an appropriate interim
25 alternative educational setting or another setting or suspend
26 the child for not more than 10 school days. Within 10 school

1 days after any decision to change the placement of a child with
2 a disability because of a violation of the student discipline
3 policies, the board, in consultation with the child's
4 individualized education program team, shall review all
5 relevant information to determine if the conduct in question
6 was caused by or had a direct and substantial relationship to
7 the child's disability or if the conduct in question was the
8 direct result of the school district's failure to implement
9 the individualized education program.

10 If the board, in consultation with the child's
11 individualized education program team, determines that the
12 conduct in question was a manifestation of the child's
13 disability, the individualized education program team shall
14 (i) conduct a functional behavior assessment; (ii) implement a
15 behavioral intervention plan for the child or, in situations
16 in which a behavioral intervention plan has been developed,
17 review the behavioral intervention plan and modify it as
18 necessary to address the behavior; and (iii) return the child
19 to the placement from which the student was removed, unless
20 the parents or guardian and board agree to a change of
21 placement as part of the modification of the behavioral
22 intervention plan.

23 If school personnel seek to order a change in placement
24 that would exceed 10 school days and the behavior that gave
25 rise to the violation is determined not to be a manifestation
26 of the child's disability, the relevant disciplinary

1 procedures applicable to students who do not have a disability
2 may be applied to the child in the same manner and for the same
3 duration in which the procedures would be applied to students
4 without disabilities. The district may move a child with a
5 disability to an interim alternative educational setting for
6 not more than 45 school days without regard to whether the
7 behavior is determined to be a manifestation of the child's
8 disability if the child (i) carries a weapon to or possesses a
9 weapon at school or on school premises or carries a weapon to
10 or possesses a weapon at a school function in accordance with
11 subsection (d); (ii) knowingly possesses or uses illegal drugs
12 or sells or solicits the sale of a controlled substance while
13 at school, on school premises, or at a school function; or
14 (iii) has inflicted serious bodily injury upon another person
15 while at school, on school premises, or at a school function.

16 A child with a disability who is removed from the
17 student's current placement, irrespective of whether the
18 behavior is determined to be a manifestation of the child's
19 disability, shall continue to receive educational services so
20 as to enable the child to participate in the general education
21 curriculum, although in another setting, and to progress
22 toward meeting the goals set out in the individualized
23 education program, and receive, as appropriate, a functional
24 behavior assessment and behavioral intervention services and
25 modifications that are designed to address the behavior
26 violation so that it does not recur.

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

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

1 left in these places and areas. School authorities may request
2 the assistance of law enforcement officials for the purpose of
3 conducting inspections and searches of lockers, desks, parking
4 lots, and other school property and equipment owned or
5 controlled by the school for illegal drugs, weapons, or other
6 illegal or dangerous substances or materials, including
7 searches conducted through the use of specially trained dogs.
8 If a search conducted in accordance with this Section produces
9 evidence that the student has violated or is violating either
10 the law, local ordinance, or the school's policies or rules,
11 such evidence may be seized by school authorities, and
12 disciplinary action may be taken. School authorities may also
13 turn over such evidence to law enforcement authorities.

14 (f) Suspension or expulsion may include suspension or
15 expulsion from school and all school activities and a
16 prohibition from being present on school grounds.

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

26 (h) School officials shall not advise or encourage

1 students to drop out voluntarily due to behavioral or academic
2 difficulties.

3 (i) A student may not be issued a monetary fine or fee as a
4 disciplinary consequence, though this shall not preclude
5 requiring a student to provide restitution for lost, stolen,
6 or damaged property.

7 (j) Subsections (a) through (i) of this Section shall
8 apply to elementary and secondary schools, charter schools,
9 special charter districts, and school districts organized
10 under Article 34 of this Code.

11 (k) The expulsion of students ~~children~~ enrolled in
12 programs funded under Section 1C-2 of this Code is subject to
13 the requirements under paragraph (7) of subsection (a) of
14 Section 2-3.71 of this Code.

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

23 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;
24 102-813, eff. 5-13-22.)

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

1 Sec. 10-22.6. Suspension or expulsion of students ~~pupils~~;
2 school searches.

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7 expulsion. Expulsion shall take place only after the parents
8 or guardians have been requested to appear at a meeting of the
9 board, or with a hearing officer appointed by it, to discuss
10 their child's behavior, unless the student's gross
11 disobedience or misconduct poses an immediate threat to the
12 health or safety of students or school personnel. Such request
13 shall be made by registered or certified mail and shall state
14 the time, place and purpose of the meeting. The board, or a
15 hearing officer appointed by it, at such meeting shall state
16 the reasons for dismissal and the date on which the expulsion
17 is to become effective. If a hearing officer is appointed by
18 the board, the hearing officer ~~he~~ shall report to the board a
19 written summary of the evidence heard at the meeting and the
20 board may take such action thereon as it finds appropriate. If
21 the board acts to expel a student ~~pupil~~, the written expulsion
22 decision shall detail the specific reasons why removing the
23 student ~~pupil~~ from the learning environment is in the best
24 interest of the school. The expulsion decision shall also
25 include a rationale as to the specific duration of the
26 expulsion. An expelled student ~~pupil~~ may be immediately

1 transferred to an alternative program in the manner provided
2 in Article 13A or 13B of this Code. A student ~~pupil~~ must not be
3 denied transfer because of the expulsion, except in cases in
4 which such transfer is deemed to cause a threat to the safety
5 of students or staff in the alternative program.

6 (b) To suspend or by policy to authorize the
7 superintendent of the district or the principal, assistant
8 principal, or dean of students of any school to suspend
9 students ~~pupils~~ guilty of gross disobedience or misconduct, or
10 to suspend students ~~pupils~~ guilty of gross disobedience or
11 misconduct on the school bus from riding the school bus,
12 pursuant to subsections (b-15) and (b-20) of this Section, and
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14 board may by policy authorize the superintendent of the
15 district or the principal, assistant principal, or dean of
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17 such acts for a period not to exceed 10 school days. If a
18 student ~~pupil~~ is suspended due to gross disobedience or
19 misconduct on a school bus, the board may suspend the student
20 ~~pupil~~ in excess of 10 school days for safety reasons.

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22 parents or guardians of a student ~~pupil~~ along with a full
23 statement of the reasons for such suspension and a notice of
24 their right to a review. The school board must be given a
25 summary of the notice, including the reason for the suspension
26 and the suspension length. Upon request of the parents or

1 guardians, the school board or a hearing officer appointed by
2 it shall review such action of the superintendent or
3 principal, assistant principal, or dean of students. At such
4 review, the parents or guardians of the student ~~pupil~~ may
5 appear and discuss the suspension with the board or its
6 hearing officer. If a hearing officer is appointed by the
7 board, he shall report to the board a written summary of the
8 evidence heard at the meeting. After its hearing or upon
9 receipt of the written report of its hearing officer, the
10 board may take such action as it finds appropriate. If a
11 student is suspended pursuant to this subsection (b), the
12 board shall, in the written suspension decision, detail the
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20 the suspension, except in cases in which such transfer is
21 deemed to cause a threat to the safety of students or school
22 personnel ~~staff~~ in the alternative program.

23 (b-2) As used in this Section:

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25 have demonstrated a statistically significant effect on
26 improving student outcomes documented in peer-reviewed

1 scholarly journals.

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4 and obvious disfigurement, or protracted loss or impairment of
5 the function of a bodily member, organ, or mental faculty.

6 (b-5) Among the many possible disciplinary interventions
7 and consequences available to school officials, school
8 exclusions, such as out-of-school suspensions and expulsions,
9 are the most serious and should only be used when the student's
10 presence threatens the operation of the school or the health
11 or safety of students or school personnel. School officials
12 shall limit the number and duration of expulsions and
13 suspensions to the greatest extent practicable, and it is
14 recommended that they use them only for legitimate educational
15 purposes. To ensure that students are not excluded from school
16 unnecessarily, it is recommended that school officials
17 consider implementing proactive evidence-based interventions
18 that improve behavioral outcomes for all students. Examples of
19 evidence-based interventions include school-wide positive
20 behavioral interventions and support, restorative justice and
21 the entire continuum of restorative practices, social and
22 emotional learning programs, trauma-informed teaching
23 strategies, and access to appropriate school-based mental
24 health services. In addition, it is recommended that school
25 officials consider forms of non-exclusionary discipline if
26 appropriate prior to using out-of-school suspensions or

1 expulsions. Forms of non-exclusionary discipline include
2 in-school suspensions that allow students to continue academic
3 instruction in an alternative environment, restorative
4 conferences, and small-group instruction on behavior
5 management strategies.

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

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

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

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

6 The State Board of Education shall draft and publish model
7 policy guidelines for the re-engagement of students who are
8 suspended out-of-school, expelled, or returning from an
9 alternative school setting in accordance with this Section.

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

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

15 (b-30) A school district shall create a policy by which
16 suspended students ~~pupils~~, including those students ~~pupils~~
17 suspended from the school bus who do not have alternate
18 transportation to school, shall have the opportunity to make
19 up work for equivalent academic credit. It shall be the
20 responsibility of a student's ~~pupil's~~ parents or guardians to
21 notify school officials that a student ~~pupil~~ suspended from
22 the school bus does not have alternate transportation to
23 school.

24 (b-35) In all suspension review hearings conducted under
25 subsection (b) or expulsion hearings conducted under
26 subsection (a), a student may disclose any factor to be

1 considered in mitigation, including his or her status as a
2 parent, expectant parent, or victim of domestic or sexual
3 violence, as defined in Article 26A. A representative of the
4 parent's or guardian's choice, or of the student's choice if
5 emancipated, must be permitted to represent the student
6 throughout the proceedings and to address the school board or
7 its appointed hearing officer. With the approval of the
8 student's parent or guardian, or of the student if
9 emancipated, a support person must be permitted to accompany
10 the student to any disciplinary hearings or proceedings. The
11 representative or support person must comply with any rules of
12 the school district's hearing process. If the representative
13 or support person violates the rules or engages in behavior or
14 advocacy that harasses, abuses, or intimidates either party, a
15 witness, or anyone else in attendance at the hearing, the
16 representative or support person may be prohibited from
17 further participation in the hearing or proceeding. A
18 suspension or expulsion proceeding under this subsection
19 (b-35) must be conducted independently from any ongoing
20 criminal investigation or proceeding, and an absence of
21 pending or possible criminal charges, criminal investigations,
22 or proceedings may not be a factor in school disciplinary
23 decisions.

24 (b-40) During a suspension review hearing conducted under
25 subsection (b) or an expulsion hearing conducted under
26 subsection (a) that involves allegations of sexual violence by

1 the student who is subject to discipline, neither the student
2 nor his or her representative shall directly question nor have
3 direct contact with the alleged victim. The student who is
4 subject to discipline or his or her representative may, at the
5 discretion and direction of the school board or its appointed
6 hearing officer, suggest questions to be posed by the school
7 board or its appointed hearing officer to the alleged victim.

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

12 (c-5) A school district ~~School districts~~ shall ~~make~~
13 ~~reasonable efforts to~~ provide ongoing professional development
14 to all school personnel ~~teachers, administrators, school board~~
15 ~~members, school resource officers, and staff~~ on the adverse
16 consequences of school exclusion and justice-system
17 involvement and the evidence-based interventions employed by
18 the district in accordance with this Section and Section
19 10-20.14, ~~effective classroom management strategies,~~
20 ~~culturally responsive discipline, the appropriate and~~
21 ~~available supportive services for the promotion of student~~
22 ~~attendance and engagement, and developmentally appropriate~~
23 ~~disciplinary methods that promote positive and healthy school~~
24 ~~elimates.~~

25 (d) The board may expel a student for a definite period of
26 time not to exceed 2 calendar years, as determined on a

1 case-by-case basis. A student who is determined to have
2 brought one of the following objects to school, any
3 school-sponsored activity or event, or any activity or event
4 that bears a reasonable relationship to school shall be
5 expelled for a period of not less than one year:

6 (1) A firearm. For the purposes of this Section,
7 "firearm" means any gun, rifle, shotgun, weapon as defined
8 by Section 921 of Title 18 of the United States Code,
9 firearm as defined in Section 1.1 of the Firearm Owners
10 Identification Card Act, or firearm as defined in Section
11 24-1 of the Criminal Code of 2012. The expulsion period
12 under this subdivision (1) may be modified by the
13 superintendent, and the superintendent's determination may
14 be modified by the board on a case-by-case basis.

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

23 Expulsion or suspension shall be construed in a manner
24 consistent with the federal Individuals with Disabilities
25 Education Act. A student who is subject to suspension or
26 expulsion as provided in this Section may be eligible for a

1 transfer to an alternative school program in accordance with
2 Article 13A of the School Code.

3 (d-3) The board may move a child with a disability, as
4 defined in the federal Individuals with Disabilities Education
5 Act, who violates the student discipline policies from the
6 child's current placement to an appropriate interim
7 alternative educational setting or another setting or suspend
8 the child for not more than 10 school days. Within 10 school
9 days after any decision to change the placement of a child with
10 a disability because of a violation of the student discipline
11 policies, the board, in consultation with the child's
12 individualized education program team, shall review all
13 relevant information to determine if the conduct in question
14 was caused by or had a direct and substantial relationship to
15 the child's disability or if the conduct in question was the
16 direct result of the school district's failure to implement
17 the individualized education program.

18 If the board, in consultation with the child's
19 individualized education program team, determines that the
20 conduct in question was a manifestation of the child's
21 disability, the individualized education program team shall
22 (i) conduct a functional behavior assessment; (ii) implement a
23 behavioral intervention plan for the child or, in situations
24 in which a behavioral intervention plan has been developed,
25 review the behavioral intervention plan and modify it as
26 necessary to address the behavior; and (iii) return the child

1 to the placement from which the student was removed, unless
2 the parents or guardian and board agree to a change of
3 placement as part of the modification of the behavioral
4 intervention plan.

5 If school personnel seek to order a change in placement
6 that would exceed 10 school days and the behavior that gave
7 rise to the violation is determined not to be a manifestation
8 of the child's disability, the relevant disciplinary
9 procedures applicable to students who do not have a disability
10 may be applied to the child in the same manner and for the same
11 duration in which the procedures would be applied to students
12 without disabilities. The district may move a child with a
13 disability to an interim alternative educational setting for
14 not more than 45 school days without regard to whether the
15 behavior is determined to be a manifestation of the child's
16 disability if the child (i) carries a weapon to or possesses a
17 weapon at school or on school premises or carries a weapon to
18 or possesses a weapon at a school function in accordance with
19 subsection (d); (ii) knowingly possesses or uses illegal drugs
20 or sells or solicits the sale of a controlled substance while
21 at school, on school premises, or at a school function; or
22 (iii) has inflicted serious bodily injury upon another person
23 while at school, on school premises, or at a school function.

24 A child with a disability who is removed from the
25 student's current placement, irrespective of whether the
26 behavior is determined to be a manifestation of the child's

1 disability, shall continue to receive educational services so
2 as to enable the child to participate in the general education
3 curriculum, although in another setting, and to progress
4 toward meeting the goals set out in the individualized
5 education program, and receive, as appropriate, a functional
6 behavior assessment and behavioral intervention services and
7 modifications that are designed to address the behavior
8 violation so that it does not recur.

9 (d-5) The board may suspend or by regulation authorize the
10 superintendent of the district or the principal, assistant
11 principal, or dean of students of any school to suspend a
12 student for a period not to exceed 10 school days or may expel
13 a student for a definite period of time not to exceed 2
14 calendar years, as determined on a case-by-case basis, if (i)
15 that student has been determined to have made an explicit
16 threat on an Internet website against a school employee, a
17 student, or any school-related personnel, (ii) the Internet
18 website through which the threat was made is a site that was
19 accessible within the school at the time the threat was made or
20 was available to third parties who worked or studied within
21 the school grounds at the time the threat was made, and (iii)
22 the threat could be reasonably interpreted as threatening to
23 the safety and security of the threatened individual because
24 of the individual's ~~his or her~~ duties or employment status or
25 status as a student inside the school.

26 (e) To maintain order and security in the schools, school

1 authorities may inspect and search places and areas such as
2 lockers, desks, parking lots, and other school property and
3 equipment owned or controlled by the school, as well as
4 personal effects left in those places and areas by students,
5 without notice to or the consent of the student, and without a
6 search warrant. As a matter of public policy, the General
7 Assembly finds that students have no reasonable expectation of
8 privacy in these places and areas or in their personal effects
9 left in these places and areas. School authorities may request
10 the assistance of law enforcement officials for the purpose of
11 conducting inspections and searches of lockers, desks, parking
12 lots, and other school property and equipment owned or
13 controlled by the school for illegal drugs, weapons, or other
14 illegal or dangerous substances or materials, including
15 searches conducted through the use of specially trained dogs.
16 If a search conducted in accordance with this Section produces
17 evidence that the student has violated or is violating either
18 the law, local ordinance, or the school's policies or rules,
19 such evidence may be seized by school authorities, and
20 disciplinary action may be taken. School authorities may also
21 turn over such evidence to law enforcement authorities.

22 (f) Suspension or expulsion may include suspension or
23 expulsion from school and all school activities and a
24 prohibition from being present on school grounds.

25 (g) A school district may adopt a policy providing that if
26 a student is suspended or expelled for any reason from any

1 public or private school in this or any other state, the
2 student must complete the entire term of the suspension or
3 expulsion in an alternative school program under Article 13A
4 of this Code or an alternative learning opportunities program
5 under Article 13B of this Code before being admitted into the
6 school district if there is no threat to the safety of students
7 or staff in the alternative program. A school district that
8 adopts a policy under this subsection (g) must include a
9 provision allowing for consideration of any mitigating
10 factors, including, but not limited to, a student's status as
11 a parent, expectant parent, or victim of domestic or sexual
12 violence, as defined in Article 26A.

13 (h) School officials shall not advise or encourage
14 students to drop out voluntarily due to behavioral or academic
15 difficulties.

16 (i) A student may not be issued a monetary fine or fee as a
17 disciplinary consequence, though this shall not preclude
18 requiring a student to provide restitution for lost, stolen,
19 or damaged property.

20 (j) Subsections (a) through (i) of this Section shall
21 apply to elementary and secondary schools, charter schools,
22 special charter districts, and school districts organized
23 under Article 34 of this Code.

24 (k) The expulsion of students ~~children~~ enrolled in
25 programs funded under Section 1C-2 of this Code is subject to
26 the requirements under paragraph (7) of subsection (a) of

1 Section 2-3.71 of this Code.

2 (1) Beginning with the 2018-2019 school year, an in-school
3 suspension program provided by a school district for any
4 students in kindergarten through grade 12 may focus on
5 promoting non-violent conflict resolution and positive
6 interaction with other students and school personnel. A school
7 district may employ a school social worker or a licensed
8 mental health professional to oversee an in-school suspension
9 program in kindergarten through grade 12.

10 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
11 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.