



Sen. Kimberly A. Lightford

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10300SB1400sam001

LRB103 25975 RJT 58361 a

1 AMENDMENT TO SENATE BILL 1400

2 AMENDMENT NO. _____. Amend Senate Bill 1400 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 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

1 classes for a student ~~pupil~~ who transfers into the district
2 during the school year, and the school board or governing body
3 of a charter school shall require that a school inform its
4 students ~~pupils~~ of the contents of the policy. School boards
5 and the governing bodies of charter schools, along with the
6 parent-teacher advisory committee, must annually evaluate
7 ~~review~~ their student ~~pupil~~ discipline policies, and the
8 implementation of those policies, ensuring the fair and
9 consistent enforcement of those policies for all students and
10 the safety and any other factors related to the safety of their
11 schools, students ~~pupils~~, and school personnel ~~staff~~.

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

19 (b) The parent-teacher advisory committee in cooperation
20 with local law enforcement agencies shall develop, with the
21 school board, policy guideline procedures to establish and
22 maintain a reciprocal reporting system between the school
23 district and local law enforcement agencies regarding criminal
24 offenses committed by students. School districts are
25 encouraged to create memoranda of understanding with local law
26 enforcement agencies that clearly define law enforcement's

1 role in schools, in accordance with Section 10-22.6 of this
2 Code. The State Board of Education shall draft and publish
3 model policy guidelines for the development of reciprocal
4 reporting systems in accordance with this Section.

5 (c) The parent-teacher advisory committee, in cooperation
6 with school bus personnel, shall develop, with the school
7 board, policy guideline procedures to establish and maintain
8 school bus safety procedures. These procedures shall be
9 incorporated into the district's student ~~pupil~~ discipline
10 policy. The State Board of Education shall draft and publish
11 model policy guidelines for the development of school bus
12 safety procedures in accordance with this Section.

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

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

26 Any early intervention procedures shall be evidence-based

1 interventions. The State Board of Education shall draft and
2 publish model policy guidelines for evidence-based early
3 intervention procedures, including examples, in consultation
4 with behavioral health experts and in accordance with this
5 Section.

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

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

11 (a) To expel students ~~pupils~~ guilty of gross disobedience
12 or misconduct, including gross disobedience or misconduct
13 perpetuated by electronic means, pursuant to subsection (b-20)
14 of this Section, and no action shall lie against them for such
15 expulsion. Expulsion shall take place only after the parents
16 have been requested to appear at a meeting of the board, or
17 with a hearing officer appointed by it, to discuss their
18 child's behavior, unless the student's gross disobedience or
19 misconduct poses an immediate threat to the health or safety
20 of students or school personnel. Such request shall be made by
21 registered or certified mail and shall state the time, place
22 and purpose of the meeting. The board, or a hearing officer
23 appointed by it, at such meeting shall state the reasons for
24 dismissal and the date on which the expulsion is to become
25 effective. If a hearing officer is appointed by the board, the

1 hearing officer ~~he~~ shall report to the board a written summary
2 of the evidence heard at the meeting and the board may take
3 such action thereon as it finds appropriate. If the board acts
4 to expel a student ~~pupil~~, the written expulsion decision shall
5 detail the specific reasons why removing the student ~~pupil~~
6 from the learning environment is in the best interest of the
7 school. The expulsion decision shall also include a rationale
8 as to the specific duration of the expulsion. An expelled
9 student ~~pupil~~ may be immediately transferred to an alternative
10 program in the manner provided in Article 13A or 13B of this
11 Code. A student ~~pupil~~ must not be denied transfer because of
12 the expulsion, except in cases in which such transfer is
13 deemed to cause a threat to the safety of students or staff in
14 the alternative program.

15 (b) To suspend or by policy to authorize the
16 superintendent of the district or the principal, assistant
17 principal, or dean of students of any school to suspend
18 students ~~pupils~~ guilty of gross disobedience or misconduct, or
19 to suspend students ~~pupils~~ guilty of gross disobedience or
20 misconduct on the school bus from riding the school bus,
21 pursuant to subsections (b-15) and (b-20) of this Section, and
22 no action shall lie against them for such suspension. The
23 board may by policy authorize the superintendent of the
24 district or the principal, assistant principal, or dean of
25 students of any school to suspend students ~~pupils~~ guilty of
26 such acts for a period not to exceed 10 school days. If a

1 student ~~pupil~~ is suspended due to gross disobedience or
2 misconduct on a school bus, the board may suspend the student
3 ~~pupil~~ in excess of 10 school days for safety reasons.

4 Any suspension shall be reported immediately to the
5 parents or guardian of a student ~~pupil~~ along with a full
6 statement of the reasons for such suspension and a notice of
7 their right to a review. The school board must be given a
8 summary of the notice, including the reason for the suspension
9 and the suspension length. Upon request of the parents or
10 guardian, the school board or a hearing officer appointed by
11 it shall review such action of the superintendent or
12 principal, assistant principal, or dean of students. At such
13 review, the parents or guardian of the student ~~pupil~~ may
14 appear and discuss the suspension with the board or its
15 hearing officer. If a hearing officer is appointed by the
16 board, he shall report to the board a written summary of the
17 evidence heard at the meeting. After its hearing or upon
18 receipt of the written report of its hearing officer, the
19 board may take such action as it finds appropriate. If a
20 student is suspended pursuant to this subsection (b), the
21 board shall, in the written suspension decision, detail the
22 specific act of gross disobedience or misconduct resulting in
23 the decision to suspend. The suspension decision shall also
24 include a rationale as to the specific duration of the
25 suspension. A student ~~pupil~~ who is suspended in excess of 20
26 school days may be immediately transferred to an alternative

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

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

7 "Evidence-based interventions" means interventions that
8 have demonstrated a statistically significant effect on
9 improving student outcomes documented in peer-reviewed
10 scholarly journals.

11 "Serious bodily injury" means bodily injury that involves
12 a substantial risk of death, extreme physical pain, protracted
13 and obvious disfigurement, or protracted loss or impairment of
14 the function of a bodily member, organ, or mental faculty.

15 (b-5) Among the many possible disciplinary interventions
16 and consequences available to school officials, school
17 exclusions, such as out-of-school suspensions and expulsions,
18 are the most serious and should only be used when the student's
19 presence threatens the operation of the school or the health
20 or safety of students or school personnel. ~~School officials~~
21 ~~shall limit the number and duration of expulsions and~~
22 ~~suspensions to the greatest extent practicable, and it is~~
23 ~~recommended that they use them only for legitimate educational~~
24 ~~purposes.~~ To ensure that students are not excluded from school
25 unnecessarily, it is recommended that school officials
26 consider implementing proactive evidence-based interventions

1 that improve behavioral outcomes for all students. Examples of
2 evidence-based interventions include school-wide positive
3 behavioral interventions and support, restorative justice and
4 the entire continuum of restorative practices, social and
5 emotional learning programs, trauma-informed teaching
6 strategies, and access to appropriate school-based mental
7 health services. In addition, it is recommended that school
8 officials consider forms of non-exclusionary discipline if
9 appropriate prior to using out-of-school suspensions or
10 expulsions. Forms of non-exclusionary discipline include
11 in-school suspensions that allow students to continue academic
12 instruction in an alternative environment, restorative
13 conferences, and small-group instruction on behavior
14 management strategies.

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

19 (b-15) Out-of-school suspensions of 3 days or less may be
20 used only if the student's continuing presence in school would
21 pose a threat to the operation of the school or the health or
22 safety of students or school personnel ~~school safety or a~~
23 ~~disruption to other students' learning opportunities.~~ For
24 purposes of this subsection (b-15), "threat to the operation
25 of the school or the health or safety of students or school
26 personnel ~~school safety or a disruption to other students'~~

1 ~~learning opportunities~~" shall be determined on a case-by-case
2 basis by the school board or its designee. ~~School officials~~
3 ~~shall make all reasonable efforts to resolve such threats,~~
4 ~~address such disruptions, and minimize the length of~~
5 ~~suspensions to the greatest extent practicable.~~

6 (b-20) Unless otherwise required by this Code,
7 out-of-school suspensions of longer than 3 days, expulsions,
8 and disciplinary removals to alternative schools may be used
9 only if other appropriate and available behavioral and
10 disciplinary interventions have been exhausted and the
11 student's continuing presence in school would either (i) pose
12 a threat to the safety of other students, school personnel
13 ~~staff~~, or members of the school community or (ii)
14 substantially disrupt, impede, or interfere with the operation
15 of the school. For purposes of this subsection (b-20), "threat
16 to the safety of other students, school personnel ~~staff~~, or
17 members of the school community" and "substantially disrupt,
18 impede, or interfere with the operation of the school" shall
19 be determined on a case-by-case basis by school officials. For
20 purposes of this subsection (b-20), the determination of
21 whether "appropriate and available behavioral and disciplinary
22 interventions have been exhausted" shall be made by school
23 officials. ~~School officials shall make all reasonable efforts~~
24 ~~to resolve such threats, address such disruptions, and~~
25 ~~minimize the length of student exclusions to the greatest~~
26 ~~extent practicable.~~ Within the suspension decision described

1 in subsection (b) of this Section or the expulsion decision
2 described in subsection (a) of this Section, it shall be
3 documented whether other interventions were attempted or
4 whether it was determined that there were no other appropriate
5 and available interventions.

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

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

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

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

24 (b-30) A school district shall create a policy by which
25 suspended students ~~pupils~~, including those students ~~pupils~~
26 suspended from the school bus who do not have alternate

1 transportation to school, shall have the opportunity to make
2 up work for equivalent academic credit. It shall be the
3 responsibility of a student's ~~pupil's~~ parent or guardian to
4 notify school officials that a student ~~pupil~~ suspended from
5 the school bus does not have alternate transportation to
6 school.

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

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

24 (d) The board may expel a student for a definite period of
25 time not to exceed 2 calendar years, as determined on a
26 case-by-case basis. A student who is determined to have

1 brought one of the following objects to school, any
2 school-sponsored activity or event, or any activity or event
3 that bears a reasonable relationship to school shall be
4 expelled for a period of not less than one year:

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

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

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

1 Article 13A of the School Code.

2 (d-3) Any suspension, expulsion, or change of placement
3 due to a violation of the code of student conduct of a student
4 with a disability shall comply with the requirements of the
5 federal Individuals with Disabilities Education Act and its
6 implementing regulations and the federal Section 504 of the
7 Rehabilitation Act of 1973 and its implementing regulation.

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

25 (e) To maintain order and security in the schools, school
26 authorities may inspect and search places and areas such as

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

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

24 (g) A school district may adopt a policy providing that if
25 a student is suspended or expelled for any reason from any
26 public or private school in this or any other state, the

1 student must complete the entire term of the suspension or
2 expulsion in an alternative school program under Article 13A
3 of this Code or an alternative learning opportunities program
4 under Article 13B of this Code before being admitted into the
5 school district if there is no threat to the safety of students
6 or staff in the alternative program.

7 (h) School officials shall not advise or encourage
8 students to drop out voluntarily due to behavioral or academic
9 difficulties.

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

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 students ~~children~~ enrolled in
19 programs funded under Section 1C-2 of this Code is subject to
20 the requirements under paragraph (7) of subsection (a) of
21 Section 2-3.71 of 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; 102-539, eff. 8-20-21;
5 102-813, eff. 5-13-22.)

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

7 Sec. 10-22.6. Suspension or expulsion of students ~~pupils~~;
8 school searches.

9 (a) To expel students ~~pupils~~ guilty of gross disobedience
10 or misconduct, including gross disobedience or misconduct
11 perpetuated by electronic means, pursuant to subsection (b-20)
12 of this Section, and no action shall lie against them for such
13 expulsion. Expulsion shall take place only after the parents
14 or guardians have been requested to appear at a meeting of the
15 board, or with a hearing officer appointed by it, to discuss
16 their child's behavior, unless the student's gross
17 disobedience or misconduct poses an immediate threat to the
18 health or safety of students or school personnel. Such request
19 shall be made by registered or certified mail and shall state
20 the time, place and purpose of the meeting. The board, or a
21 hearing officer appointed by it, at such meeting shall state
22 the reasons for dismissal and the date on which the expulsion
23 is to become effective. If a hearing officer is appointed by
24 the board, the hearing officer ~~he~~ shall report to the board a
25 written summary of the evidence heard at the meeting and the

1 board may take such action thereon as it finds appropriate. If
2 the board acts to expel a student ~~pupil~~, the written expulsion
3 decision shall detail the specific reasons why removing the
4 student ~~pupil~~ from the learning environment is in the best
5 interest of the school. The expulsion decision shall also
6 include a rationale as to the specific duration of the
7 expulsion. An expelled student ~~pupil~~ may be immediately
8 transferred to an alternative program in the manner provided
9 in Article 13A or 13B of this Code. A student ~~pupil~~ must not be
10 denied transfer because of the expulsion, except in cases in
11 which such transfer is deemed to cause a threat to the safety
12 of students or staff in the alternative program.

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

1 ~~pupil~~ in excess of 10 school days for safety reasons.

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

1 the suspension, except in cases in which such transfer is
2 deemed to cause a threat to the safety of students or school
3 personnel ~~staff~~ in the alternative program.

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

5 "Evidence-based interventions" means interventions that
6 have demonstrated a statistically significant effect on
7 improving student outcomes documented in peer-reviewed
8 scholarly journals.

9 "Serious bodily injury" means bodily injury that involves
10 a substantial risk of death, extreme physical pain, protracted
11 and obvious disfigurement, or protracted loss or impairment of
12 the function of a bodily member, organ, or mental faculty.

13 (b-5) Among the many possible disciplinary interventions
14 and consequences available to school officials, school
15 exclusions, such as out-of-school suspensions and expulsions,
16 are the most serious and should only be used when the student's
17 presence threatens the operation of the school or the health
18 or safety of students or school personnel. ~~School officials~~
19 ~~shall limit the number and duration of expulsions and~~
20 ~~suspensions to the greatest extent practicable, and it is~~
21 ~~recommended that they use them only for legitimate educational~~
22 ~~purposes.~~ To ensure that students are not excluded from school
23 unnecessarily, it is recommended that school officials
24 consider implementing proactive evidence-based interventions
25 that improve behavioral outcomes for all students. Examples of
26 evidence-based interventions include school-wide positive

1 behavioral interventions and support, restorative justice and
2 the entire continuum of restorative practices, social and
3 emotional learning programs, trauma-informed teaching
4 strategies, and access to appropriate school-based mental
5 health services. In addition, it is recommended that school
6 officials consider forms of non-exclusionary discipline if
7 appropriate prior to using out-of-school suspensions or
8 expulsions. Forms of non-exclusionary discipline include
9 in-school suspensions that allow students to continue academic
10 instruction in an alternative environment, restorative
11 conferences, and small-group instruction on behavior
12 management strategies.

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

17 (b-15) Out-of-school suspensions of 3 days or less may be
18 used only if the student's continuing presence in school would
19 pose a threat to the operation of the school or the health or
20 safety of students or school personnel ~~school safety or a~~
21 ~~disruption to other students' learning opportunities.~~ For
22 purposes of this subsection (b-15), "threat to the operation
23 of the school or the health or safety of students or school
24 personnel ~~school safety or a disruption to other students'~~
25 ~~learning opportunities"~~ shall be determined on a case-by-case
26 basis by the school board or its designee. ~~School officials~~

1 ~~shall make all reasonable efforts to resolve such threats,~~
2 ~~address such disruptions, and minimize the length of~~
3 ~~suspensions to the greatest extent practicable.~~

4 (b-20) Unless otherwise required by this Code,
5 out-of-school suspensions of longer than 3 days, expulsions,
6 and disciplinary removals to alternative schools may be used
7 only if other appropriate and available behavioral and
8 disciplinary interventions have been exhausted and the
9 student's continuing presence in school would either (i) pose
10 a threat to the safety of other students, school personnel
11 ~~staff~~, or members of the school community or (ii)
12 substantially disrupt, impede, or interfere with the operation
13 of the school. For purposes of this subsection (b-20), "threat
14 to the safety of other students, school personnel ~~staff~~, or
15 members of the school community" and "substantially disrupt,
16 impede, or interfere with the operation of the school" shall
17 be determined on a case-by-case basis by school officials. For
18 purposes of this subsection (b-20), the determination of
19 whether "appropriate and available behavioral and disciplinary
20 interventions have been exhausted" shall be made by school
21 officials. ~~School officials shall make all reasonable efforts~~
22 ~~to resolve such threats, address such disruptions, and~~
23 ~~minimize the length of student exclusions to the greatest~~
24 ~~extent practicable.~~ Within the suspension decision described
25 in subsection (b) of this Section or the expulsion decision
26 described in subsection (a) of this Section, it shall be

1 documented whether other interventions were attempted or
2 whether it was determined that there were no other appropriate
3 and available interventions.

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

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

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

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

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

1 responsibility of a student's ~~pupils~~ parents or guardians to
2 notify school officials that a student ~~pupil~~ suspended from
3 the school bus does not have alternate transportation to
4 school.

5 (b-35) In all suspension review hearings conducted under
6 subsection (b) or expulsion hearings conducted under
7 subsection (a), a student may disclose any factor to be
8 considered in mitigation, including his or her status as a
9 parent, expectant parent, or victim of domestic or sexual
10 violence, as defined in Article 26A. A representative of the
11 parent's or guardian's choice, or of the student's choice if
12 emancipated, must be permitted to represent the student
13 throughout the proceedings and to address the school board or
14 its appointed hearing officer. With the approval of the
15 student's parent or guardian, or of the student if
16 emancipated, a support person must be permitted to accompany
17 the student to any disciplinary hearings or proceedings. The
18 representative or support person must comply with any rules of
19 the school district's hearing process. If the representative
20 or support person violates the rules or engages in behavior or
21 advocacy that harasses, abuses, or intimidates either party, a
22 witness, or anyone else in attendance at the hearing, the
23 representative or support person may be prohibited from
24 further participation in the hearing or proceeding. A
25 suspension or expulsion proceeding under this subsection
26 (b-35) must be conducted independently from any ongoing

1 criminal investigation or proceeding, and an absence of
2 pending or possible criminal charges, criminal investigations,
3 or proceedings may not be a factor in school disciplinary
4 decisions.

5 (b-40) During a suspension review hearing conducted under
6 subsection (b) or an expulsion hearing conducted under
7 subsection (a) that involves allegations of sexual violence by
8 the student who is subject to discipline, neither the student
9 nor his or her representative shall directly question nor have
10 direct contact with the alleged victim. The student who is
11 subject to discipline or his or her representative may, at the
12 discretion and direction of the school board or its appointed
13 hearing officer, suggest questions to be posed by the school
14 board or its appointed hearing officer to the alleged victim.

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

19 (c-5) A school district ~~School districts~~ shall ~~make~~
20 ~~reasonable efforts to~~ provide ongoing professional development
21 to all school personnel ~~teachers, administrators, school board~~
22 ~~members, school resource officers, and staff~~ on the adverse
23 consequences of school exclusion and justice-system
24 involvement and the evidence-based interventions employed by
25 the district in accordance with this Section and Section
26 10-20.14, ~~effective classroom management strategies,~~

1 ~~culturally responsive discipline, the appropriate and~~
2 ~~available supportive services for the promotion of student~~
3 ~~attendance and engagement, and developmentally appropriate~~
4 ~~disciplinary methods that promote positive and healthy school~~
5 ~~climates.~~

6 (d) The board may expel a student for a definite period of
7 time not to exceed 2 calendar years, as determined on a
8 case-by-case basis. A student who is determined to have
9 brought one of the following objects to school, any
10 school-sponsored activity or event, or any activity or event
11 that bears a reasonable relationship to school shall be
12 expelled for a period of not less than one year:

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

22 (2) A knife, brass knuckles or other knuckle weapon
23 regardless of its composition, a billy club, or any other
24 object if used or attempted to be used to cause bodily
25 harm, including "look alikes" of any firearm as defined in
26 subdivision (1) of this subsection (d). The expulsion

1 requirement under this subdivision (2) may be modified by
2 the superintendent, and the superintendent's determination
3 may be modified by the board on a case-by-case basis.

4 Expulsion or suspension shall be construed in a manner
5 consistent with the federal Individuals with Disabilities
6 Education Act. A student who is subject to suspension or
7 expulsion as provided in this Section may be eligible for a
8 transfer to an alternative school program in accordance with
9 Article 13A of the School Code.

10 (d-3) Any suspension, expulsion, or change of placement
11 due to a violation of the code of student conduct of a student
12 with a disability shall comply with the requirements of the
13 federal Individuals with Disabilities Education Act and its
14 implementing regulations and the federal Section 504 of the
15 Rehabilitation Act of 1973 and its implementing regulation.

16 (d-5) The board may suspend or by regulation authorize the
17 superintendent of the district or the principal, assistant
18 principal, or dean of students of any school to suspend a
19 student for a period not to exceed 10 school days or may expel
20 a student for a definite period of time not to exceed 2
21 calendar years, as determined on a case-by-case basis, if (i)
22 that student has been determined to have made an explicit
23 threat on an Internet website against a school employee, a
24 student, or any school-related personnel, (ii) the Internet
25 website through which the threat was made is a site that was
26 accessible within the school at the time the threat was made or

1 was available to third parties who worked or studied within
2 the school grounds at the time the threat was made, and (iii)
3 the threat could be reasonably interpreted as threatening to
4 the safety and security of the threatened individual because
5 of the individual's ~~his or her~~ duties or employment status or
6 status as a student inside the school.

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

1 disciplinary action may be taken. School authorities may also
2 turn over such evidence to law enforcement authorities.

3 (f) Suspension or expulsion may include suspension or
4 expulsion from school and all school activities and a
5 prohibition from being present on school grounds.

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

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

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

1 (j) Subsections (a) through (i) of this Section shall
2 apply to elementary and secondary schools, charter schools,
3 special charter districts, and school districts organized
4 under Article 34 of this Code.

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

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

17 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
18 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".