



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5145

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that, beginning with the 2018-2019 school year, a student in kindergarten may not receive an out-of-school suspension of 3 days or less for the student's disruption to other students' learning opportunities and may not receive an out-of-school suspension of longer than 3 days for substantially disrupting, impeding, or interfering with the operation of a school. Effective immediately.

LRB100 18409 AXK 33622 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 10-22.6 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

9 (a) To expel pupils guilty of gross disobedience or
10 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 have been requested to appear at a meeting of the board, or
15 with a hearing officer appointed by it, to discuss their
16 child's behavior. Such request shall be made by registered or
17 certified mail and shall state the time, place and purpose of
18 the meeting. The board, or a hearing officer appointed by it,
19 at such meeting shall state the reasons for dismissal and the
20 date on which the expulsion is to become effective. If a
21 hearing officer is appointed by the board, he shall report to
22 the board a written summary of the evidence heard at the
23 meeting and the board may take such action thereon as it finds

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

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

26 Any suspension shall be reported immediately to the parents

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

26 (b-5) Among the many possible disciplinary interventions

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

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

15 (b-15) Out-of-school suspensions of 3 days or less may be
16 used only if the student's continuing presence in school would
17 pose a threat to school safety or, except for a student in
18 kindergarten beginning with the 2018-2019 school year, a
19 disruption to other students' learning opportunities.
20 Beginning with the 2018-2019 school year, a student in
21 kindergarten may not receive an out-of-school suspension under
22 this subsection (b-15) for the student's disruption to other
23 students' learning opportunities. For purposes of this
24 subsection (b-15), "threat to school safety or a disruption to
25 other students' learning opportunities" shall be determined on
26 a case-by-case basis by the school board or its designee.

1 School officials shall make all reasonable efforts to resolve
2 such threats, address such disruptions, and minimize the length
3 of 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 a
10 threat to the safety of other students, staff, or members of
11 the school community or (ii) except for the suspension of a
12 student in kindergarten beginning with the 2018-2019 school
13 year, substantially disrupt, impede, or interfere with the
14 operation of the school. Beginning with the 2018-2019 school
15 year, a student in kindergarten may not receive an
16 out-of-school suspension under this subsection (b-20) for
17 substantially disrupting, impeding, or interfering with the
18 operation of the school. For purposes of this subsection
19 (b-20), "threat to the safety of other students, staff, or
20 members of the school community" and "substantially disrupt,
21 impede, or interfere with the operation of the school" shall be
22 determined on a case-by-case basis by school officials. For
23 purposes of this subsection (b-20), the determination of
24 whether "appropriate and available behavioral and disciplinary
25 interventions have been exhausted" shall be made by school
26 officials. School officials shall make all reasonable efforts

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

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

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

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

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

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

5 (c) The Department of Human Services shall be invited to
6 send a representative to consult with the board at such meeting
7 whenever there is evidence that mental illness may be the cause
8 for expulsion or suspension.

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

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 ~~case-by-case~~ basis. A student who is determined to
20 have 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-5) The board may suspend or by regulation authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend a
24 student for a period not to exceed 10 school days or may expel
25 a student for a definite period of time not to exceed 2
26 calendar years, as determined on a case-by-case ~~case by case~~

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

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

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

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

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

20 (h) School officials shall not advise or encourage students
21 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, or
26 damaged property.

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

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

9 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
10 revised 1-22-18.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.