



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 2347

2 AMENDMENT NO. _____. Amend Senate Bill 2347 by replacing
3 everything after the enacting clause with the following:

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 of
11 a charter school policy guidelines on pupil discipline,
12 including school searches and bullying prevention as set forth
13 in Section 27-23.7 of this Code. School authorities shall
14 furnish a copy of the policy to the parents or guardian of each
15 pupil within 15 days after the beginning of the school year, or
16 within 15 days after starting classes for a pupil who transfers

1 into the district during the school year, and the school board
2 or governing body of a charter school shall require that a
3 school inform its pupils of the contents of the policy. School
4 boards and the governing bodies of charter schools, along with
5 the parent-teacher advisory committee, must annually review
6 their pupil discipline policies, the implementation of those
7 policies, and any other factors related to the safety of their
8 schools, pupils, and staff.

9 (a-5) On or before September 15, 2016, each elementary and
10 secondary school and charter school shall, at a minimum, adopt
11 pupil discipline policies that must include thorough training
12 on the requirements in Public Act 99-456 and any other
13 corresponding school discipline protocols. The discipline
14 policies must ~~that~~ fulfill the requirements set forth in this
15 Section, subsections (a) and (b) of Section 10-22.6 of this
16 Code, Section 34-19 of this Code if applicable, and federal and
17 State laws that provide special requirements for the discipline
18 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.

3 (c) The parent-teacher advisory committee, in cooperation
4 with school bus personnel, shall develop, with the school
5 board, policy guideline procedures to establish and maintain
6 school bus safety procedures. These procedures shall be
7 incorporated into the district's pupil discipline policy.

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

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

18 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

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

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

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

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

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

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

21 (b-10) Unless otherwise required by federal law or this
22 Code, school boards may not institute zero-tolerance policies
23 by which school administrators are required to suspend or expel
24 students for particular behaviors. A school board shall
25 implement disciplinary protocols that are based on restorative
26 justice and trauma-informed practices.

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

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

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

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

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

22 A school district shall create a policy that must include
23 thorough training on the requirements in Public Act 99-456 and
24 any other corresponding school discipline protocols to
25 facilitate the re-engagement of students who are suspended
26 out-of-school, expelled, or returning from an alternative

1 school setting.

2 (b-30) A school district shall create a policy by which
3 suspended pupils, including those pupils suspended from the
4 school bus who do not have alternate transportation to school,
5 shall have the opportunity to make up work for equivalent
6 academic credit. It shall be the responsibility of a pupil's
7 parent or guardian to notify school officials that a pupil
8 suspended from the school bus does not have alternate
9 transportation to school.

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

14 (c-5) School districts shall make reasonable efforts to
15 provide ongoing professional development with accountability
16 and consistency to teachers, administrators, school board
17 members, school resource officers, and staff on the adverse
18 consequences of school exclusion and justice-system
19 involvement, effective classroom management strategies,
20 culturally responsive discipline, restorative justice
21 practices, and developmentally appropriate disciplinary
22 methods that promote positive and healthy school climates.

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

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

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

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

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

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 ~~case-by-case~~
7 basis, if (i) that student has been determined to have made an
8 explicit threat on an Internet website against a school
9 employee, a student, or any school-related personnel, (ii) the
10 Internet website through which the threat was made is a site
11 that was accessible within the school at the time the threat
12 was made or was available to third parties who worked or
13 studied within the school grounds at the time the threat was
14 made, and (iii) the threat could be reasonably interpreted as
15 threatening to the safety and security of the threatened
16 individual because of 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 of
22 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 students

1 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, or
6 damaged property.

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

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

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