

AN ACT concerning education.

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

Section 1. Findings and intent.

(a) The General Assembly finds the following:

(1) Public Act 99-456 prohibited schools from issuing monetary fines or fees as a disciplinary consequence.

(2) Public Act 100-810 prohibited schools from referring truant minors to local public entities for the purpose of issuing fines or fees as punishment for truancy and required schools to document the provision of all appropriate and available supportive services before referring an individual having custody of a truant minor to a local public entity.

(3) Thousands of students have been referred to municipalities for behaviors occurring on school grounds, during school-related events, or while taking school transportation.

(4) Municipal tickets, citations, and ordinance violations disproportionately impact students of color and students with disabilities.

(5) Municipal fines and fees associated with municipal tickets, citations, and ordinance violations create financial hardship for minors and their families.

(6) Municipal proceedings do not provide minors with sufficient due process, confidentiality, or record expungement protections.

(7) In accordance with federal law and regulations, Illinois schools provide data to the Civil Rights Data Collection required by the Office for Civil Rights of the U.S. Department of Education, including data on referrals to law enforcement, and which disaggregates referrals resulting in arrests, but does not disaggregate referrals resulting in a municipal ticket, citation, or ordinance violation.

(b) It is the intent of the General Assembly to learn more about the prevalence of student referrals to law enforcement, particularly those resulting in municipal tickets, citations, and ordinance violations for behaviors occurring on school grounds, during school-related events, or while taking school transportation. It is not the intent of the General Assembly to modify current school disciplinary responses provided in the School Code or responses to alleged delinquent or criminal conduct as set forth in the School Code, the Juvenile Court Act of 1987, or the Criminal Code of 2012.

Section 5. The School Code is amended by adding Section 2-3.206 and by changing Sections 10-20.14, 10-20.68, 10-22.6, and 26-12 as follows:

(105 ILCS 5/2-3.206 new)

Sec. 2-3.206. Law enforcement referral report.

(a) As used in this Section, "referral to law enforcement" means an action by which a student is reported to a law enforcement agency or official, including a school police unit, for an incident that occurred on school grounds, during school-related events or activities (whether in-person or virtual), or while taking school transportation, regardless of whether official action is taken. "Referral to law enforcement" includes citations, tickets, court referrals, and school-related arrests.

(b) Beginning with the 2027-2028 school year, the State Board of Education shall require that each school district annually report, in a manner and method determined by the State Board, the number of students in kindergarten through grade 12 who were referred to a law enforcement agency or official and the number of instances of referrals to law enforcement that students in grades kindergarten through 12 received.

(c) The data reported under subsection (b) shall be disaggregated by race and ethnicity, sex, grade level, whether a student is an English learner, and disability.

(d) On or before January 31, 2029 and on or before January 31 of each subsequent year, the State Board of Education, through the State Superintendent of Education, shall prepare a report on student referrals to law enforcement in all school

districts in this State, including State-authorized charter schools. This report shall include data from all public schools within school districts, including district-authorized charter schools. This report must be posted on the Internet website of the State Board of Education. The report shall include data reported under subsection (b) and shall be disaggregated according to subsection (c).

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

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

(a) To establish and maintain a parent-teacher advisory committee to develop with the school board or governing body of a charter school policy guidelines on student discipline, including school searches and bullying prevention as set forth in Section 27-23.7 of this Code. School authorities shall furnish a copy of the policy to the parents or guardian of each student within 15 days after the beginning of the school year, or within 15 days after starting classes for a student who transfers into the district during the school year, and the school board or governing body of a charter school shall require that a school inform its students of the contents of the policy. School boards and the governing bodies of charter schools, along with the parent-teacher advisory committee, must annually review their student discipline policies and the implementation of those policies and any other factors related

to the safety of their schools, students, and school personnel.

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

(b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal and civil offenses committed by students. School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools, in accordance with Sections 2-3.206 and Section 10-22.6 of this Code. In consultation with stakeholders deemed appropriate by the State Board of Education, the State Board of Education shall draft and publish guidance for the development of reciprocal reporting systems in accordance with this Section on or before July 1, 2025.

(c) The parent-teacher advisory committee, in cooperation with school bus personnel, shall develop, with the school

board, policy guideline procedures to establish and maintain school bus safety procedures. These procedures shall be incorporated into the district's student discipline policy. In consultation with stakeholders deemed appropriate by the State Board of Education, the State Board of Education shall draft and publish guidance for school bus safety procedures in accordance with this Section on or before July 1, 2025.

(d) As used in this subsection (d), "evidence-based intervention" means intervention that has demonstrated a statistically significant effect on improving student outcomes as documented in peer-reviewed scholarly journals.

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

In consultation with behavioral health experts, the State Board of Education shall draft and publish guidance for evidence-based intervention procedures, including examples, in accordance with this Section on or before July 1, 2025.

(Source: P.A. 103-896, eff. 8-9-24.)

(105 ILCS 5/10-20.68)

Sec. 10-20.68. School resource officer.

(a) In this Section, "school resource officer" means a law enforcement officer who has been primarily assigned to a school or school district under a memorandum of understanding between ~~an agreement with~~ a local law enforcement agency and a school district.

(a-5) Beginning July 1, 2026, a memorandum of understanding between a local law enforcement agency and a school district is required for any school district that uses a school resource officer. The memorandum of understanding shall include provisions that:

(1) define the role, duties, and responsibilities of a school resource officer;

(2) specify procedures to ensure that a school resource officer has been trained or has received a waiver for training, as provided in Section 10.22 of the Illinois Police Training Act, including specific training on working with students with disabilities to ensure appropriate and effective interactions that support their educational and behavioral needs;

(3) specify that a school resource officer is prohibited from issuing tickets or citations on school property in accordance with subsection (i) of Section 10-22.6;

(4) outline a process for data collection and

reporting in accordance with Section 2-3.206; and

(5) provide for regular review and evaluation of the school resource officer program, including community and stakeholder input.

(b) ~~Any Beginning January 1, 2021, any~~ law enforcement agency that provides a school resource officer ~~under this Section~~ shall provide to the school district a certificate of completion, or approved waiver, issued by the Illinois Law Enforcement Training Standards Board under Section 10.22 of the Illinois Police Training Act indicating that the subject officer has completed the requisite course of instruction in the applicable subject areas within one year of assignment, or has prior experience and training which satisfies this requirement.

(c) In an effort to defray the related costs, any law enforcement agency that provides a school resource officer should apply for grant funding through the federal Community Oriented Policing Services grant program.

(Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19.)

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

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

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

(a) To expel students guilty of gross disobedience or misconduct, including gross disobedience or misconduct

perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, the hearing officer shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a student, the written expulsion decision shall detail the specific reasons why removing the student from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled student may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A student must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant

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

Any suspension shall be reported immediately to the parents or guardian of a student along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardian of the student may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After

its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension.

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

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

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other

students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student

exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 3 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

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

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting. In consultation with stakeholders deemed appropriate by the State Board of Education, the State Board of Education shall draft and publish guidance for the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting in accordance with this Section and Section 13A-4 on or before July 1, 2025.

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

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

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to all school personnel, school board members, and school resource officers⁷ on the requirements of this Section and Section 10-20.14, the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments, as defined in subsection (b) of Section 3-11, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

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

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

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

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

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

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

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

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General

Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

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

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

or staff in the alternative program.

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

(i) In this subsection (i), "municipal code violation" means the violation of a rule or regulation established by a local government authority, authorized by Section 1-2-1 of the Illinois Municipal Code.

A student must ~~may~~ not be issued a monetary fine, ~~or fee,~~ ticket, or citation as a school-based disciplinary consequence or for a municipal code violation on school grounds during school hours or while taking school transportation by any person ~~as a disciplinary consequence~~, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

This subsection (i) does not modify school disciplinary responses under this Section or Section 10-20.14 of this Code that existed before the effective date of this amendatory Act of the 104th General Assembly or responses to alleged delinquent or criminal conduct set forth in this Code, Article V of the Juvenile Court Act of 1987, or the Criminal Code of 2012. This subsection (i) does not apply to violations of traffic, boating, or fish and game laws.

(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized

under Article 34 of this Code.

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

(l) An in-school suspension program provided by a school district for any students in kindergarten through grade 12 may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel. A school district may employ a school social worker or a licensed mental health professional to oversee an in-school suspension program in kindergarten through grade 12.

(Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22; 103-594, eff. 6-25-24; 103-896, eff. 8-9-24; revised 9-25-24.)

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

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

(a) To expel students guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents or guardians have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by

registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, the hearing officer shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a student, the written expulsion decision shall detail the specific reasons why removing the student from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled student may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A student must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend students guilty of gross disobedience or misconduct, or to suspend students guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action

shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend students guilty of such acts for a period not to exceed 10 school days. If a student is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the student in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardians of a student along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardians, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardians of the student may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or

misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension.

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

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

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve

such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that

there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 3 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

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

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting. In consultation with stakeholders deemed appropriate by the State Board of Education, the State Board of Education shall draft and publish guidance for the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting in accordance with this Section and Section 13A-4 on or before July 1, 2025.

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

a student's parents or guardians to notify school officials that a student suspended from the school bus does not have alternate transportation to school.

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

pending or possible criminal charges, criminal investigations, or proceedings may not be a factor in school disciplinary decisions.

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

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

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to all school personnel, school board members, and school resource officers on the requirements of this Section and Section 10-20.14, the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, trauma-responsive learning environments, as defined in subsection (b) of Section 3-11, the appropriate and available supportive services for the

promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

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

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

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

may be modified by the board on a case-by-case basis. Expulsion or suspension shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

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

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

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

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

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

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

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

(i) In this subsection (i), "municipal code violation" means the violation of a rule or regulation established by a local government authority, authorized by Section 1-2-1 of the Illinois Municipal Code.

A student must ~~may~~ not be issued a monetary fine, ~~or fee,~~ ticket, or citation as a school-based disciplinary consequence or for a municipal code violation on school grounds during school hours or while taking school transportation by any person ~~as a disciplinary consequence~~, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

This subsection (i) does not modify school disciplinary

responses under this Section or Section 10-20.14 of this Code that existed before the effective date of this amendatory Act of the 104th General Assembly or responses to alleged delinquent or criminal conduct set forth in this Code, Article V of the Juvenile Court Act of 1987, or the Criminal Code of 2012. This subsection (i) does not apply to violations of traffic, boating, or fish and game laws.

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

(k) Through June 30, 2026, the expulsion of students enrolled in programs funded under Section 1C-2 of this Code is subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

(k-5) On and after July 1, 2026, the expulsion of children enrolled in programs funded under Section 15-25 of the Department of Early Childhood Act is subject to the requirements of paragraph (7) of subsection (a) of Section 15-30 of the Department of Early Childhood Act.

(l) An in-school suspension program provided by a school district for any students in kindergarten through grade 12 may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel. A school district may employ a school social worker or a licensed mental health professional to oversee an in-school

suspension program in kindergarten through grade 12.

(Source: P.A. 102-466, eff. 7-1-25; 102-539, eff. 8-20-21; 102-813, eff. 5-13-22; 103-594, eff. 6-25-24; 103-896, eff. 8-9-24; revised 9-25-24.)

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

Sec. 26-12. Punitive action.

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

(b) School personnel ~~A school district~~ may not refer a truant, chronic truant, or truant minor to any other local public entity, as defined under Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, school resource officer, as defined in Section 10-20.68 of this Code, or peace officer, as defined in Section 2-13 of the Criminal Code of 2012, for that local public entity, school

resource officer, or peace officer to issue the child a fine or a fee as punishment for his or her truancy.

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

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

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

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

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

convenient time and date for the school district and the person having custody or control of the child and, but for the conduct of that person, the meeting would have occurred.

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

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

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