

1 AN ACT concerning children.

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

4 Section 1. Findings and purposes.

5 (a) The General Assembly finds all of the following:

6 (1) Research suggests that school expulsion and
7 suspension practices are associated with negative
8 educational, health, and developmental outcomes for
9 children.

10 (2) Recent studies have shown that the expulsion of
11 children in early care and educational settings is
12 occurring at alarmingly high rates, particularly among
13 certain racial and gender groups. A nationwide study on
14 preschool expulsion found that preschoolers were expelled
15 at more than 3 times the rate of kindergarten through
16 twelfth grade students.

17 (3) Recent data from the U.S. Department of Education
18 indicate that there are significant disparities within
19 this trend. African American boys make up 19% of preschool
20 enrollment but 45% of preschoolers suspended more than
21 once. Other research shows that while Hispanic and African
22 American boys combined represent 46% of all boys in
23 preschool, these children represent 55% of preschool boys
24 suspended. Boys make up 79% of preschoolers suspended once

1 and 82% of preschoolers suspended multiple times. African
2 American girls also represent 54% of female children
3 receiving one or more out-of-school suspensions, but only
4 20% of female preschool enrollment overall.

5 (4) A study completed in 2005 analyzing expulsion rates
6 among states indicated that while this State reported the
7 sixth-lowest expulsion rate of the 40 states surveyed,
8 pre-kindergartners were expelled at a rate 3 times that of
9 their older peers. A study conducted in 2002 in Chicago
10 showed a high rate of expulsion, particularly in
11 infant-toddler programs, with over 40% of child care
12 programs asking a child to leave because of
13 social-emotional and behavioral problems, with the most
14 challenging behaviors being biting, hitting, and
15 aggressive behavior.

16 (5) This State has recently improved expulsion and
17 suspension practices in grades kindergarten through 12 via
18 Public Act 99-456, and the federal government has imposed
19 new expulsion and suspension policy requirements on some
20 federally funded early childhood programs. These
21 protections are important, but inconsistent and
22 incomplete, as they do not cover all children in Illinois
23 early learning programs.

24 (6) Access to infant and early childhood mental health
25 consultants and positive behavior intervention and support
26 have been shown to reduce or prevent expulsion and

1 suspension in early care and education programs. Early
2 childhood professionals also need training, technical
3 assistance, and professional development support to ensure
4 they are able to respond to the social-emotional needs of
5 young children and to ensure successful student
6 participation in programs.

7 (7) Nationally and in this State, insufficient data
8 collection hinders the ability to gauge the prevalence of
9 expulsion or suspension of children from a range of early
10 learning programs prior to formal school entry.

11 (b) The purposes of this Act are to:

12 (1) ensure that the goals of any disciplinary action by
13 State-funded or State-licensed early childhood programs
14 shall always include the well-being of all children,
15 including those experiencing difficulties as well as
16 others in the classroom, and prohibit the behavior-related
17 removal of young children from early care and education
18 settings without prior documentation, intervention, and
19 planned transitions;

20 (2) ensure that early childhood professionals have the
21 resources needed to support children's social and
22 emotional health and to address challenging behaviors; and

23 (3) develop systems to track expulsion and suspension.

24 Section 5. The School Code is amended by changing Sections
25 2-3.71, 2-3.71a, and 10-22.6 as follows:

1 (105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)
2 Sec. 2-3.71. Grants for preschool educational programs.

3 (a) Preschool program.

4 (1) The State Board of Education shall implement and
5 administer a grant program under the provisions of this
6 subsection which shall consist of grants to public school
7 districts and other eligible entities, as defined by the
8 State Board of Education, to conduct voluntary preschool
9 educational programs for children ages 3 to 5 which include
10 a parent education component. A public school district
11 which receives grants under this subsection may
12 subcontract with other entities that are eligible to
13 conduct a preschool educational program. These grants must
14 be used to supplement, not supplant, funds received from
15 any other source.

16 (2) (Blank).

17 (3) Any teacher of preschool children in the program
18 authorized by this subsection shall hold an early childhood
19 teaching certificate.

20 (4) (Blank).

21 (4.5) The State Board of Education shall provide the
22 primary source of funding through appropriations for the
23 program. Such funds shall be distributed to achieve a goal
24 of "Preschool for All Children" for the benefit of all
25 children whose families choose to participate in the

1 program. Based on available appropriations, newly funded
2 programs shall be selected through a process giving first
3 priority to qualified programs serving primarily at-risk
4 children and second priority to qualified programs serving
5 primarily children with a family income of less than 4
6 times the poverty guidelines updated periodically in the
7 Federal Register by the U.S. Department of Health and Human
8 Services under the authority of 42 U.S.C. 9902(2). For
9 purposes of this paragraph (4.5), at-risk children are
10 those who because of their home and community environment
11 are subject to such language, cultural, economic and like
12 disadvantages to cause them to have been determined as a
13 result of screening procedures to be at risk of academic
14 failure. Such screening procedures shall be based on
15 criteria established by the State Board of Education.

16 Except as otherwise provided in this paragraph (4.5),
17 grantees under the program must enter into a memorandum of
18 understanding with the appropriate local Head Start
19 agency. This memorandum must be entered into no later than
20 3 months after the award of a grantee's grant under the
21 program, except that, in the case of the 2009-2010 program
22 year, the memorandum must be entered into no later than the
23 deadline set by the State Board of Education for
24 applications to participate in the program in fiscal year
25 2011, and must address collaboration between the grantee's
26 program and the local Head Start agency on certain issues,

1 which shall include without limitation the following:

2 (A) educational activities, curricular objectives,
3 and instruction;

4 (B) public information dissemination and access to
5 programs for families contacting programs;

6 (C) service areas;

7 (D) selection priorities for eligible children to
8 be served by programs;

9 (E) maximizing the impact of federal and State
10 funding to benefit young children;

11 (F) staff training, including opportunities for
12 joint staff training;

13 (G) technical assistance;

14 (H) communication and parent outreach for smooth
15 transitions to kindergarten;

16 (I) provision and use of facilities,
17 transportation, and other program elements;

18 (J) facilitating each program's fulfillment of its
19 statutory and regulatory requirements;

20 (K) improving local planning and collaboration;
21 and

22 (L) providing comprehensive services for the
23 neediest Illinois children and families.

24 If the appropriate local Head Start agency is unable or
25 unwilling to enter into a memorandum of understanding as
26 required under this paragraph (4.5), the memorandum of

1 understanding requirement shall not apply and the grantee
2 under the program must notify the State Board of Education
3 in writing of the Head Start agency's inability or
4 unwillingness. The State Board of Education shall compile
5 all such written notices and make them available to the
6 public.

7 (5) The State Board of Education shall develop and
8 provide evaluation tools, including tests, that school
9 districts and other eligible entities may use to evaluate
10 children for school readiness prior to age 5. The State
11 Board of Education shall require school districts and other
12 eligible entities to obtain consent from the parents or
13 guardians of children before any evaluations are
14 conducted. The State Board of Education shall encourage
15 local school districts and other eligible entities to
16 evaluate the population of preschool children in their
17 communities and provide preschool programs, pursuant to
18 this subsection, where appropriate.

19 (6) The State Board of Education shall report to the
20 General Assembly by November 1, 2018 ~~2010~~ and every 2 ~~3~~
21 years thereafter on the results and progress of students
22 who were enrolled in preschool educational programs,
23 including an assessment of which programs have been most
24 successful in promoting academic excellence and
25 alleviating academic failure. The State Board of Education
26 shall assess the academic progress of all students who have

1 been enrolled in preschool educational programs.

2 On or before November 1 of each fiscal year in which
3 the General Assembly provides funding for new programs
4 under paragraph (4.5) of this Section, the State Board of
5 Education shall report to the General Assembly on what
6 percentage of new funding was provided to programs serving
7 primarily at-risk children, what percentage of new funding
8 was provided to programs serving primarily children with a
9 family income of less than 4 times the federal poverty
10 level, and what percentage of new funding was provided to
11 other programs.

12 (7) Due to evidence that expulsion practices in the
13 preschool years are linked to poor child outcomes and are
14 employed inconsistently across racial and gender groups,
15 early childhood programs receiving State funds under this
16 subsection (a) shall prohibit expulsions. Planned
17 transitions to settings that are able to better meet a
18 child's needs are not considered expulsion under this
19 paragraph (7).

20 (A) When persistent and serious challenging
21 behaviors emerge, the early childhood program shall
22 document steps taken to ensure that the child can
23 participate safely in the program; including
24 observations of initial and ongoing challenging
25 behaviors, strategies for remediation and intervention
26 plans to address the behaviors, and communication with

1 the parent or legal guardian, including participation
2 of the parent or legal guardian in planning and
3 decision-making.

4 (B) The early childhood program shall, with
5 parental or legal guardian consent as required,
6 utilize a range of community resources, if available
7 and deemed necessary, including, but not limited to,
8 developmental screenings, referrals to programs and
9 services administered by a local educational agency or
10 early intervention agency under Parts B and C of the
11 federal Individual with Disabilities Education Act,
12 and consultation with infant and early childhood
13 mental health consultants and the child's health care
14 provider. The program shall document attempts to
15 engage these resources, including parent or legal
16 guardian participation and consent attempted and
17 obtained. Communication with the parent or legal
18 guardian shall take place in a culturally and
19 linguistically competent manner.

20 (C) If there is documented evidence that all
21 available interventions and supports recommended by a
22 qualified professional have been exhausted and the
23 program determines in its professional judgment that
24 transitioning a child to another program is necessary
25 for the well-being of the child or his or her peers and
26 staff, with parent or legal guardian permission, both

1 the current and pending programs shall create a
2 transition plan designed to ensure continuity of
3 services and the comprehensive development of the
4 child. Communication with families shall occur in a
5 culturally and linguistically competent manner.

6 (D) Nothing in this paragraph (7) shall preclude a
7 parent's or legal guardian's right to voluntarily
8 withdraw his or her child from an early childhood
9 program. Early childhood programs shall request and
10 keep on file, when received, a written statement from
11 the parent or legal guardian stating the reason for his
12 or her decision to withdraw his or her child.

13 (E) In the case of the determination of a serious
14 safety threat to a child or others or in the case of
15 behaviors listed in subsection (d) of Section 10-22.6
16 of this Code, the temporary removal of a child from
17 attendance in group settings may be used. Temporary
18 removal of a child from attendance in a group setting
19 shall trigger the process detailed in subparagraphs
20 (A), (B), and (C) of this paragraph (7), with the child
21 placed back in a group setting as quickly as possible.

22 (F) Early childhood programs may utilize and the
23 State Board of Education, the Department of Human
24 Services, and the Department of Children and Family
25 Services shall recommend training, technical support,
26 and professional development resources to improve the

1 ability of teachers, administrators, program
2 directors, and other staff to promote social-emotional
3 development and behavioral health, to address
4 challenging behaviors, and to understand trauma and
5 trauma-informed care, cultural competence, family
6 engagement with diverse populations, the impact of
7 implicit bias on adult behavior, and the use of
8 reflective practice techniques. Support shall include
9 the availability of resources to contract with infant
10 and early childhood mental health consultants.

11 (G) Beginning on July 1, 2018, early childhood
12 programs shall annually report to the State Board of
13 Education, and, beginning in fiscal year 2020, the
14 State Board of Education shall make available on a
15 biennial basis, in an existing report, all of the
16 following data for children from birth to age 5 who are
17 served by the program:

18 (i) Total number served over the course of the
19 program year and the total number of children who
20 left the program during the program year.

21 (ii) Number of planned transitions to another
22 program due to children's behavior, by children's
23 race, gender, disability, language, class/group
24 size, teacher-child ratio, and length of program
25 day.

26 (iii) Number of temporary removals of a child

1 from attendance in group settings due to a serious
2 safety threat under subparagraph (E) of this
3 paragraph (7), by children's race, gender,
4 disability, language, class/group size,
5 teacher-child ratio, and length of program day.

6 (iv) Hours of infant and early childhood
7 mental health consultant contact with program
8 leaders, staff, and families over the program
9 year.

10 (H) Changes to services for children with an
11 individualized education program or individual family
12 service plan shall be construed in a manner consistent
13 with the federal Individuals with Disabilities
14 Education Act.

15 The State Board of Education, in consultation with the
16 Governor's Office of Early Childhood Development and the
17 Department of Children and Family Services, shall adopt
18 rules to administer this paragraph (7).

19 (b) (Blank).

20 (Source: P.A. 95-724, eff. 6-30-08; 96-119, eff. 8-4-09;
21 96-944, eff. 6-25-10; 96-948, eff. 6-25-10.)

22 (105 ILCS 5/2-3.71a) (from Ch. 122, par. 2-3.71a)

23 Sec. 2-3.71a. Grants for early childhood parental training
24 programs. The State Board of Education shall implement and
25 administer a grant program consisting of grants to public

1 school districts and other eligible entities, as defined by the
2 State Board of Education, to conduct early childhood parental
3 training programs for the parents of children in the period of
4 life from birth to kindergarten. A public school district that
5 receives grants under this Section may contract with other
6 eligible entities to conduct an early childhood parental
7 training program. These grants must be used to supplement, not
8 supplant, funds received from any other source. A school board
9 or other eligible entity shall employ appropriately qualified
10 personnel for its early childhood parental training program,
11 including but not limited to certified teachers, counselors,
12 psychiatrists, psychologists and social workers.

13 (a) As used in this Section, "parental training" means and
14 includes instruction in the following:

15 (1) Child growth and development, including prenatal
16 development.

17 (2) Childbirth and child care.

18 (3) Family structure, function and management.

19 (4) Prenatal and postnatal care for mothers and
20 infants.

21 (5) Prevention of child abuse.

22 (6) The physical, mental, emotional, social, economic
23 and psychological aspects of interpersonal and family
24 relationships.

25 (7) Parenting skill development.

26 The programs shall include activities that require

1 substantial participation and interaction between parent and
2 child.

3 (b) The Board shall annually award funds through a grant
4 approval process established by the State Board of Education,
5 providing that an annual appropriation is made for this purpose
6 from State, federal or private funds. Nothing in this Section
7 shall preclude school districts from applying for or accepting
8 private funds to establish and implement programs.

9 (c) The State Board of Education shall assist those
10 districts and other eligible entities offering early childhood
11 parental training programs, upon request, in developing
12 instructional materials, training teachers and staff, and
13 establishing appropriate time allotments for each of the areas
14 included in such instruction.

15 (d) School districts and other eligible entities may offer
16 early childhood parental training courses during that period of
17 the day which is not part of the regular school day. Residents
18 of the community may enroll in such courses. The school board
19 or other eligible entity may establish fees and collect such
20 charges as may be necessary for attendance at such courses in
21 an amount not to exceed the per capita cost of the operation
22 thereof, except that the board or other eligible entity may
23 waive all or part of such charges if it determines that the
24 parent is indigent or that the educational needs of the parent
25 require his or her attendance at such courses.

26 (e) Parents who participate in early childhood parental

1 training programs under this Section may be eligible for
2 reasonable reimbursement of any incidental transportation and
3 child care expenses from the school district receiving funds
4 pursuant to this Section.

5 (f) Districts and other eligible entities receiving grants
6 pursuant to this Section shall coordinate programs created
7 under this Section with other preschool educational programs,
8 including "at-risk" preschool programs, special and vocational
9 education, and related services provided by other governmental
10 agencies and not-for-profit agencies.

11 (g) The State Board of Education shall report to the
12 General Assembly by July 1, 1991, on the results of the
13 programs funded pursuant to this Section and whether a need
14 continues for such programs.

15 (h) After July 1, 2006, any parental training services
16 funded pursuant to this Section on the effective date of this
17 amendatory Act of the 94th General Assembly shall continue to
18 be funded pursuant to this Section, subject to appropriation
19 and the meeting of program standards. Any additional parental
20 training services must be funded, subject to appropriation,
21 through preschool education grants pursuant to subdivision (4)
22 of subsection (a) of Section 2-3.71 of this Code for families
23 with children ages 3 to 5 and through prevention initiative
24 grants pursuant to subsection (b) of Section 2-3.89 of this
25 Code for expecting families and those with children from birth
26 to 3 years of age.

1 (i) Early childhood programs under this Section are subject
2 to the requirements under paragraph (7) of subsection (a) of
3 Section 2-3.71 of this Code.

4 (Source: P.A. 94-506, eff. 8-8-05.)

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

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

8 (a) To expel pupils guilty of gross disobedience or
9 misconduct, including gross disobedience or misconduct
10 perpetuated by electronic means, pursuant to subsection (b-20)
11 of this Section, and no action shall lie against them for such
12 expulsion. Expulsion shall take place only after the parents
13 have been requested to appear at a meeting of the board, or
14 with a hearing officer appointed by it, to discuss their
15 child's behavior. Such request shall be made by registered or
16 certified mail and shall state the time, place and purpose of
17 the meeting. The board, or a hearing officer appointed by it,
18 at such meeting shall state the reasons for dismissal and the
19 date on which the expulsion is to become effective. If a
20 hearing officer is appointed by the board he shall report to
21 the board a written summary of the evidence heard at the
22 meeting and the board may take such action thereon as it finds
23 appropriate. If the board acts to expel a pupil, the written
24 expulsion decision shall detail the specific reasons why
25 removing the pupil from the learning environment is in the best

1 interest of the school. The expulsion decision shall also
2 include a rationale as to the specific duration of the
3 expulsion. An expelled pupil may be immediately transferred to
4 an alternative program in the manner provided in Article 13A or
5 13B of this Code. A pupil must not be denied transfer because
6 of the expulsion, except in cases in which such transfer is
7 deemed to cause a threat to the safety of students or staff in
8 the alternative program.

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

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

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

23 (b-5) Among the many possible disciplinary interventions
24 and consequences available to school officials, school
25 exclusions, such as out-of-school suspensions and expulsions,
26 are the most serious. School officials shall limit the number

1 and duration of expulsions and suspensions to the greatest
2 extent practicable, and it is recommended that they use them
3 only for legitimate educational purposes. To ensure that
4 students are not excluded from school unnecessarily, it is
5 recommended that school officials consider forms of
6 non-exclusionary discipline prior to using out-of-school
7 suspensions or expulsions.

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

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

22 (b-20) Unless otherwise required by this Code,
23 out-of-school suspensions of longer than 3 days, expulsions,
24 and disciplinary removals to alternative schools may be used
25 only if other appropriate and available behavioral and
26 disciplinary interventions have been exhausted and the

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

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

1 this Section, it shall be documented whether such services are
2 to be provided or whether it was determined that there are no
3 such appropriate and available services.

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

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

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

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

21 (c-5) School districts shall make reasonable efforts to
22 provide ongoing professional development to teachers,
23 administrators, school board members, school resource
24 officers, and staff on the adverse consequences of school
25 exclusion and justice-system involvement, effective classroom
26 management strategies, culturally responsive discipline, and

1 developmentally appropriate disciplinary methods that promote
2 positive and healthy school climates.

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

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

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

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

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

24 (e) To maintain order and security in the schools, school
25 authorities may inspect and search places and areas such as
26 lockers, desks, parking lots, and other school property and

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

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

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

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

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

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

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

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

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

22 Section 10. The Child Care Act of 1969 is amended by adding
23 Section 5.10 as follows:

24 (225 ILCS 10/5.10 new)

1 Sec. 5.10. Child care limitation on expulsions. Consistent
2 with the purposes of this amendatory Act of the 100th General
3 Assembly and the requirements therein under paragraph (7) of
4 subsection (a) of Section 2-3.71 of the School Code, the
5 Department, in consultation with the Governor's Office of Early
6 Childhood Development and the State Board of Education, shall
7 adopt rules prohibiting the use of expulsion due to a child's
8 persistent and serious challenging behaviors in licensed day
9 care centers, day care homes, and group day care homes. The
10 rulemaking shall address, at a minimum, requirements for
11 licensees to establish intervention and transition policies,
12 notify parents of policies, document intervention steps, and
13 collect and report data on children transitioning out of the
14 program.