



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5786

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that, beginning with the 2018-2019 school year, an in-school suspension program provided by a school district for any students in kindergarten through grade 12 shall focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel. Provides that a school district may employ a substitute teacher to oversee an in-school suspension program in kindergarten through grade 12. Effective immediately.

LRB100 20496 AXK 35859 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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

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

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

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

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

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

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

26 Any suspension shall be reported immediately to the parents

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

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

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

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

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

25 (b-20) Unless otherwise required by this Code,
26 out-of-school suspensions of longer than 3 days, expulsions,

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

24 (b-25) Students who are suspended out-of-school for longer
25 than 4 school days shall be provided appropriate and available
26 support services during the period of their suspension. For

1 purposes of this subsection (b-25), "appropriate and available
2 support services" shall be determined by school authorities.
3 Within the suspension decision described in subsection (b) of
4 this Section, it shall be documented whether such services are
5 to be provided or whether it was determined that there are no
6 such appropriate and available services.

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

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

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

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

24 (c-5) School districts shall make reasonable efforts to
25 provide ongoing professional development to teachers,
26 administrators, school board members, school resource

1 officers, and staff on the adverse consequences of school
2 exclusion and justice-system involvement, effective classroom
3 management strategies, culturally responsive discipline, and
4 developmentally appropriate disciplinary methods that promote
5 positive and healthy school climates.

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

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

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

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

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

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

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

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

26 (g) A school district may adopt a policy providing that if

1 a student is suspended or expelled for any reason from any
2 public or private school in this or any other state, the
3 student must complete the entire term of the suspension or
4 expulsion in an alternative school program under Article 13A of
5 this Code or an alternative learning opportunities program
6 under Article 13B of this Code before being admitted into the
7 school district if there is no threat to the safety of students
8 or staff in the alternative program.

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

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

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

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

24 (l) Beginning with the 2018-2019 school year, an in-school
25 suspension program provided by a school district for any
26 students in kindergarten through grade 12 shall focus on

1 promoting non-violent conflict resolution and positive
2 interaction with other students and school personnel. A school
3 district may employ a substitute teacher to oversee an
4 in-school suspension program in kindergarten through grade 12.
5 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
6 revised 1-22-18.)

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