



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0704

Introduced 1/30/2017, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.170 new
105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that the State Board of Education is, subject to appropriation, authorized to award competitive grants under a Safe Schools and Healthy Learning Environments Program. Provides that under the program, selected school districts must reallocate funding for school-based law enforcement personnel in some or all of their schools to other evidence-based and promising practices designed to promote school safety and healthy learning environments, including, but not limited to, restorative justice programs; increased use of school psychologists, social workers, and other mental and behavioral health specialists; drug and alcohol treatment services; wraparound services for youth; and training for school staff on conflict resolution techniques and other disciplinary alternatives. Provides that the program shall match the amount that is reallocated from school-based law enforcement personnel to alternative methods of addressing student behavior on a dollar-for-dollar basis. Prohibits grant funds from being used to increase the use of school-based security personnel. Provides for an annual report to update progress on the Program. Prohibits arrest or being otherwise cited for a criminal offense committed during school hours while on school grounds, in school vehicles, or at school activities or sanctioned events except in certain circumstances.

LRB100 08210 MLM 18307 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 and by adding Section 2-3.170 as follows:

6 (105 ILCS 5/2-3.170 new)

7 Sec. 2-3.170. Safe Schools and Healthy Learning
8 Environments Program.

9 (a) The General Assembly recognizes that (i) many K-12
10 students around the State are arrested in school and sent into
11 the justice system, often for minor offenses that do not pose a
12 serious threat to school safety; (ii) many schools across the
13 State have become overly reliant on law enforcement personnel
14 to handle routine school disciplinary matters; (iii) many
15 student behaviors that result in arrest in some schools are
16 addressed without involving the justice system in others; (iv)
17 the over-criminalization of K-12 students has had significant
18 negative consequences for students, families, and entire
19 communities; (v) these dynamics, known as the
20 "school-to-prison pipeline", have disproportionately affected
21 students of color; (vi) these practices impose substantial
22 economic costs on both localities and the State overall; (vii)
23 the use of school-based law enforcement has not been proven

1 effective as a strategy to promote safe and productive schools;
2 and (viii) eliminating unnecessary school-based arrests and
3 law enforcement presence in school while promoting the use of
4 developmentally appropriate alternatives will protect school
5 safety, improve school climate, raise academic achievement,
6 and save taxpayer dollars.

7 (b) The State Board of Education, subject to appropriation,
8 is authorized to award competitive grants under a Safe Schools
9 and Healthy Learning Environments Program. Under this program,
10 selected school districts must reallocate funding for
11 school-based law enforcement personnel in some or all of their
12 schools to other evidence-based and promising practices
13 designed to promote school safety and healthy learning
14 environments, including, but not limited to, restorative
15 justice programs; increased use of school psychologists,
16 social workers, and other mental and behavioral health
17 specialists; drug and alcohol treatment services; wraparound
18 services for youth; and training for school staff on conflict
19 resolution techniques and other disciplinary alternatives. To
20 apply for a grant under the program, school districts shall
21 submit applications that outline their plans for reallocating
22 their funds, including the total amount of funds to be
23 reallocated. Subject to the availability of funds, for grant
24 recipients, the Safe Schools and Healthy Learning Environments
25 Program shall match the amount that is reallocated from
26 school-based law enforcement personnel to alternative methods

1 of addressing student behavior on a dollar-for-dollar basis.

2 Grant funds shall be used only to fund alternatives to
3 school-based arrests and law enforcement presence in schools.
4 Grant funds shall not be used to increase the use of
5 school-based security personnel. Grant funds may be used to
6 transition from school-based law enforcement personnel to
7 alternative patrol structures. Nothing in this Section shall
8 prohibit school districts from involving law enforcement
9 personnel when necessary and allowed by law.

10 (c) The State Board of Education shall annually disseminate
11 a request for applications to this program and funds shall be
12 distributed annually. The criteria to be considered by the
13 State Board of Education in awarding funds shall be (i) the
14 demonstrated need for the funds, as indicated by past use of
15 school-based arrests; the substantial presence of school-based
16 law enforcement personnel; and the targeted schools being
17 located in historically under-resourced communities and (ii)
18 the degree to which the proposal fulfills the goals of this
19 Section.

20 (d) The State Superintendent of Education, in cooperation
21 with the school districts participating in the program, shall
22 submit an annual report to the General Assembly on the results
23 of the program, including the progress being made in reducing
24 both unnecessary school-based arrests and the over-reliance on
25 school-based law enforcement to address school disciplinary
26 matters, and the effects of the program on school safety and

1 school climate.

2 (e) The State Board of Education shall adopt rules
3 necessary for the implementation of this program.

4 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

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

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

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

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

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

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

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

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

21 (b-20) Unless otherwise required by this Code,
22 out-of-school suspensions of longer than 3 days, expulsions,
23 and disciplinary removals to alternative schools may be used
24 only if other appropriate and available behavioral and
25 disciplinary interventions have been exhausted and the
26 student's continuing presence in school would either (i) pose a

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

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

1 to be provided or whether it was determined that there are no
2 such appropriate and available services.

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

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

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

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

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

1 positive and healthy school climates.

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

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

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

26 Expulsion or suspension shall be construed in a manner

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

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

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

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

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

22 (g) A school district may adopt a policy providing that if
23 a student is suspended or expelled for any reason from any
24 public or private school in this or any other state, the
25 student must complete the entire term of the suspension or
26 expulsion in an alternative school program under Article 13A of

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

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

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

12 (i-5) A student may not be arrested or otherwise cited for
13 a criminal offense committed during school hours while on
14 school grounds, in school vehicles, or at school activities or
15 sanctioned events unless:

16 (1) the offense would constitute a felony, if committed
17 outside of the school setting, in one of the classes
18 defined in the Criminal Code of 2012;

19 (2) the offense involved an act of physical violence
20 against another person or resulted in a serious bodily
21 injury to that person, and the arrest of the student is
22 necessary to avoid an ongoing threat to the physical safety
23 of other members of the school community;

24 (3) the offense involved the use of a firearm; or

25 (4) the offense involved an act of criminal sexual
26 abuse.

1 While the option to use justice-system interventions is
2 available under these conditions, they shall only be used as a
3 last resort, when there are no other options for safely and
4 appropriately handling the situation.

5 School employees and officials retain their authority and
6 discretion under law to address offenses not specified within
7 items (1) through (4) of this subsection (i-5) through the
8 school disciplinary process. Nothing in this subsection (i-5)
9 shall limit the rights and duties of teachers, school
10 administrators, other school district employees, and law
11 enforcement officers from reporting and responding to criminal
12 conduct by any individual who is not a student under the school
13 district's jurisdiction.

14 (j) Subsections (a) through (i-5) ~~(i)~~ of this Section shall
15 apply to elementary and secondary schools, charter schools,
16 special charter districts, and school districts organized
17 under Article 34 of this Code.

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