



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1557

Introduced 2/9/2017, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.71	from Ch. 122, par. 2-3.71
105 ILCS 5/2-3.71a	from Ch. 122, par. 2-3.71a
105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
225 ILCS 10/5.10 new	

Amends the School Code. Provides that early childhood programs receiving State Board of Education grants for preschool educational programs shall prohibit the expulsion of children. Provides instead that when persistent and serious challenging behaviors emerge, the early childhood program shall document steps taken to ensure that the child can participate safely in the program and utilize a range of community resources. Sets forth provisions concerning the creation of a transition plan if there is documented evidence that all available interventions and supports recommended by a qualified professional have been exhausted; temporary removal of a child; the utilization of training, technical support, and professional development resources; and annually reporting to the State Board. Makes related changes. Amends the Child Care Act of 1969 to require the Department of Children and Family Services, in consultation with the Governor's Office of Early Childhood Development and the State Board of Education, to adopt rules prohibiting the use of expulsion due to a child's persistent and serious challenging behaviors in licensed day care centers, day care homes, and group day care homes.

LRB100 10115 NHT 20289 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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, 2010 and every 3 years  
21 thereafter on the results and progress of students who were  
22 enrolled in preschool educational programs, including an  
23 assessment of which programs have been most successful in  
24 promoting academic excellence and alleviating academic  
25 failure. The State Board of Education shall assess the  
26 academic progress of all students who have been enrolled in



1 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 make available training, technical  
26 support, and professional development resources to

1 improve the ability of teachers, administrators,  
2 program directors, and other staff to promote  
3 social-emotional development and behavioral health, to  
4 address challenging behaviors, and to understand  
5 trauma and trauma-informed care, cultural competence,  
6 family engagement with diverse populations, the impact  
7 of 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) Early childhood programs shall annually report  
12 to the State Board of Education and the State Board of  
13 Education shall make publicly available, in a separate  
14 or existing annual report, all the following data for  
15 children from birth to age 5 who are served by the  
16 program:

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

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

25 (iii) Number of temporary removals of a child  
26 from attendance in group settings due to

1 extraordinary circumstances under subparagraph (E)  
2 of this paragraph (7), by children's race, gender,  
3 disability, language, class/group size,  
4 teacher-child ratio, and length of program day.

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

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

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

18 (b) (Blank).

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

21 (105 ILCS 5/2-3.71a) (from Ch. 122, par. 2-3.71a)

22 Sec. 2-3.71a. Grants for early childhood parental training  
23 programs. The State Board of Education shall implement and  
24 administer a grant program consisting of grants to public  
25 school districts and other eligible entities, as defined by the

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

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

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

16 (2) Childbirth and child care.

17 (3) Family structure, function and management.

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

20 (5) Prevention of child abuse.

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

24 (7) Parenting skill development.

25 The programs shall include activities that require  
26 substantial participation and interaction between parent and

1 child.

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

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

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

25 (e) Parents who participate in early childhood parental  
26 training programs under this Section may be eligible for

1 reasonable reimbursement of any incidental transportation and  
2 child care expenses from the school district receiving funds  
3 pursuant to this Section.

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

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

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

26 (i) Early childhood programs under this Section are subject



1 to the requirements under paragraph (7) of subsection (a) of  
2 Section 2-3.71 of this Code.

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

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

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

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

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

23 (225 ILCS 10/5.10 new)

24 Sec. 5.10. Child care limitation on expulsions. Consistent

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