



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3466

Introduced 2/16/2018, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
105 ILCS 5/26-2a	from Ch. 122, par. 26-2a
105 ILCS 5/26-19 new	

Amends the School Code. Requires a school district to make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement. In the Article governing compulsory attendance of pupils, provides that the term "valid cause" for absence includes when a person who has custody or control of a child withholds the child from school due to a bona fide dispute over special education services or placement that is being addressed through the child's individualized education program, federal Section 504 plan, mediation, or a due process hearing. Provides that a school district may not refer a truant, chronic truant, or truant minor to any other local public entity for the purpose of issuing the child a fine or fee as punishment for the child's absence from school; defines "local public entity." Allows a school district to refer any person having custody or control of a truant, chronic truant, or truant minor to any other local public entity for the purpose of issuing the person a fine or fee for the child's absence from school if all appropriate and available supportive services have been exhausted and the person has knowingly and willfully permitted the child's truant behavior to continue.

LRB100 20758 AXK 36241 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 Sections
5 10-22.6 and 26-2a and by adding Section 26-19 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, the
4 appropriate and available supportive services for the
5 promotion of student attendance and engagement, and
6 developmentally appropriate disciplinary methods that promote
7 positive and healthy school climates.

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

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

24 (2) A knife, brass knuckles or other knuckle weapon
25 regardless of its composition, a billy club, or any other
26 object if used or attempted to be used to cause bodily

1 harm, including "look alike" of any firearm as defined in
2 subdivision (1) of this subsection (d). The expulsion
3 requirement under this subdivision (2) may be modified by
4 the superintendent, and the superintendent's determination
5 may be modified by the board on a case-by-case basis.

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

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

1 individual because of his or her duties or employment status or
2 status as a student inside the school.

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

25 (f) Suspension or expulsion may include suspension or
26 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

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

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

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

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

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

26 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;

1 revised 1-22-18.)

2 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

3 Sec. 26-2a. A "truant" is defined as a child subject to
4 compulsory school attendance and who is absent without valid
5 cause from such attendance for a school day or portion thereof.

6 "Valid cause" for absence shall be illness, observance of a
7 religious holiday, death in the immediate family, family
8 emergency, or when a person who has custody or control of a
9 child withholds the child from school due to a bona fide
10 dispute over special education services or placement that is
11 being addressed through the child's individualized education
12 program, federal Section 504 plan, mediation, or a due process
13 hearing and shall include such other situations beyond the
14 control of the student, as determined by the board of education
15 in each district, or such other circumstances which cause
16 reasonable concern to the parent for the safety or health of
17 the student.

18 "Chronic or habitual truant" shall be defined as a child
19 who is subject to compulsory school attendance and who is
20 absent without valid cause from such attendance for 5% or more
21 of the previous 180 regular attendance days.

22 "Truant minor" is defined as a chronic truant to whom
23 supportive services, including prevention, diagnostic,
24 intervention and remedial services, alternative programs and
25 other school and community resources have been provided and

1 have failed to result in the cessation of chronic truancy, or
2 have been offered and refused.

3 A "dropout" is defined as any child enrolled in grades 9
4 through 12 whose name has been removed from the district
5 enrollment roster for any reason other than the student's
6 death, extended illness, removal for medical non-compliance,
7 expulsion, aging out, graduation, or completion of a program of
8 studies and who has not transferred to another public or
9 private school and is not known to be home-schooled by his or
10 her parents or guardians or continuing school in another
11 country.

12 "Religion" for the purposes of this Article, includes all
13 aspects of religious observance and practice, as well as
14 belief.

15 (Source: P.A. 96-1423, eff. 8-3-10; 97-218, eff. 7-28-11.)

16 (105 ILCS 5/26-19 new)

17 Sec. 26-19. Truant, chronic truant, truant minor; fine.

18 (a) In this Section, "local public entity" has the meaning
19 given to that term under Section 1-206 of the Local
20 Governmental and Governmental Employees Tort Immunity Act.

21 (b) A school district may not refer a truant, chronic
22 truant, or truant minor to any other local public entity for
23 the purpose of issuing the child a fine or a fee as punishment
24 for the child's absence from school.

25 (c) A school district may refer any person having custody

1 or control of a truant, chronic truant, or truant minor to any
2 other local public entity for the purpose of issuing the person
3 a fine or fee for the child's absence from school if all
4 appropriate and available supportive services have been
5 exhausted and the person has knowingly and willfully permitted
6 the child's truant behavior to continue. A school district may
7 not refer a person having custody or control of a child to any
8 other local public entity under this subsection (c) if the
9 child has a valid cause for the absence, as defined under
10 Section 26-2a of this Code.

11 (d) Appropriate and available supportive services may be
12 provided through a school district, a regional office of
13 education, or any other outside agency. Appropriate and
14 available supportive services for a child, a person having
15 custody or control of a child, or both, must include, all of
16 the following:

17 (1) Three notices over the course of one month
18 utilizing at least 2 means of communication to the person
19 having custody or control of the child and, to the extent
20 practicable, in a language that person can understand
21 stating all of the following:

22 (A) The date that attendance at school must begin.

23 (B) That attendance must be continuous and
24 consecutive for the remainder of the school year.

25 (C) The number of days that the child has not
26 attended.

1 (D) Should the truant behavior continue, the
2 person having custody or control of the child shall
3 attend a meeting and may be subject to a fine.

4 (2) a meeting between the child, the person having
5 custody or control of the child, and relevant school
6 personnel to discuss the causes of the child's absence from
7 school and determine the services necessary to improve
8 attendance. For any child who is a homeless child, as
9 defined under Section 1-5 of the Education for Homeless
10 Children Act, the meeting must include a homeless liaison,
11 a discussion of any barriers to attendance due to the
12 transitional living situation, and the construction of a
13 plan that removes those barriers. For any child with a
14 documented disability, the meeting must include a review of
15 the child's current needs and address the appropriateness
16 of the child's placement and services. For any child
17 subject to Article 14 of this Code, this meeting shall be
18 an individualized education program meeting and shall
19 include all members of the individualized education
20 program team. For any child with a disability under Section
21 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.
22 794), this meeting shall be a Section 504 plan review and
23 include all members of the Section 504 plan team. No
24 meeting shall occur for any child currently being evaluated
25 by a school district for a disability or for whom the
26 school has a basis of knowledge that the child is a child

1 with a disability pursuant to 34 CFR 300.534, adopted under
2 20 U.S.C. 1415, until after the evaluation has been
3 completed and the child's eligibility for special
4 education services has been determined.

5 (3) Reasonable efforts by a school district to convene
6 any meetings under this Section at a mutually convenient
7 time and date for the school district and for the person
8 having custody or control of the child.

9 (e) Appropriate and available supportive services for the
10 child, the person having custody or control of the child, or
11 both, may include, but are not limited to, any of the
12 following:

13 (1) Case management.

14 (2) Housing assistance.

15 (3) Homeless prevention funding.

16 (4) Domestic violence counseling.

17 (5) Individual or family counseling.

18 (6) Parental support.

19 (7) Parental training.

20 (8) Trauma support services.

21 (9) Mental health services.

22 (10) Physical health services.

23 (11) Substance abuse treatment services.

24 (12) Social service programs.

25 (13) Child care.

26 (14) Transportation to and from school.

1 (15) School fee waivers.

2 (16) Provisions of school supplies, uniforms, and
3 appropriate outerwear, as needed.

4 (17) Assistance with summer school or credit recovery
5 online.

6 (f) Before a school district may refer a person having
7 custody or control of a child to a local public entity under
8 this Section, the school district must have documentation that
9 it has complied with the requirements under subsection (d) of
10 this Section and detailing any additional appropriate and
11 available services provided under subsection (e) of this
12 Section. In the event a meeting under this Section does not
13 occur, a school district must have documentation that it made
14 reasonable efforts to convene the meeting at a mutually
15 convenient time and date for the school district and the person
16 having custody or control of the child and, but for the conduct
17 of that person, the meeting would have occurred.