

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, 26-2a, and 26-12 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, and shall include such other situations beyond the  
9 control of the student as determined by the board of education  
10 in each district, or such other circumstances which cause  
11 reasonable concern to the parent for the mental, emotional, or  
12 physical ~~safety or~~ health or safety of the student.

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

17 "Truant minor" is defined as a chronic truant to whom  
18 supportive services, including prevention, diagnostic,  
19 intervention and remedial services, alternative programs and  
20 other school and community resources have been provided and  
21 have failed to result in the cessation of chronic truancy, or  
22 have been offered and refused.

23 A "dropout" is defined as any child enrolled in grades 9  
24 through 12 whose name has been removed from the district  
25 enrollment roster for any reason other than the student's

1 death, extended illness, removal for medical non-compliance,  
2 expulsion, aging out, graduation, or completion of a program of  
3 studies and who has not transferred to another public or  
4 private school and is not known to be home-schooled by his or  
5 her parents or guardians or continuing school in another  
6 country.

7 "Religion" for the purposes of this Article, includes all  
8 aspects of religious observance and practice, as well as  
9 belief.

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

11 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

12 Sec. 26-12. Punitive action.

13 (a) No punitive action, including out of school  
14 suspensions, expulsions or court action, shall be taken against  
15 chronic truants for such truancy unless appropriate and  
16 available supportive services and other school resources have  
17 been provided to the student.

18 (b) A school district may not refer a truant, chronic  
19 truant, or truant minor to any other local public entity, as  
20 defined under Section 1-206 of the Local Governmental and  
21 Governmental Employees Tort Immunity Act, for that local public  
22 entity to issue the child a fine or a fee as punishment for his  
23 or her truancy.

24 (c) A school district may refer any person having custody  
25 or control of a truant, chronic truant, or truant minor to any

1 other local public entity, as defined under Section 1-206 of  
2 the Local Governmental and Governmental Employees Tort  
3 Immunity Act, for that local public entity to issue the person  
4 a fine or fee for the child's truancy only if the school  
5 district's truant officer, regional office of education, or  
6 intermediate service center has been notified of the truant  
7 behavior and the school district, regional office of education,  
8 or intermediate service center has offered all appropriate and  
9 available supportive services and other school resources to the  
10 child. Before a school district may refer a person having  
11 custody or control of a child to a municipality, as defined  
12 under Section 1-1-2 of the Illinois Municipal Code, the school  
13 district must provide the following appropriate and available  
14 services:

15 (1) For any child who is a homeless child, as defined  
16 under Section 1-5 of the Education for Homeless Children  
17 Act, a meeting between the child, the person having custody  
18 or control of the child, relevant school personnel, and a  
19 homeless liaison to discuss any barriers to the child's  
20 attendance due to the child's transitional living  
21 situation and to construct a plan that removes these  
22 barriers.

23 (2) For any child with a documented disability, a  
24 meeting between the child, the person having custody or  
25 control of the child, and relevant school personnel to  
26 review the child's current needs and address the

1 appropriateness of the child's placement and services. For  
2 any child subject to Article 14 of this Code, this meeting  
3 shall be an individualized education program meeting and  
4 shall include relevant members of the individualized  
5 education program team. For any child with a disability  
6 under Section 504 of the federal Rehabilitation Act of 1973  
7 (29 U.S.C. 794), this meeting shall be a Section 504 plan  
8 review and include relevant members of the Section 504 plan  
9 team.

10 (3) For any child currently being evaluated by a school  
11 district for a disability or for whom the school has a  
12 basis of knowledge that the child is a child with a  
13 disability under 20 U.S.C. 1415(k)(5), the completion of  
14 the evaluation and determination of the child's  
15 eligibility for special education services.

16 (d) Before a school district may refer a person having  
17 custody or control of a child to a local public entity under  
18 this Section, the school district must document any appropriate  
19 and available supportive services offered to the child. In the  
20 event a meeting under this Section does not occur, a school  
21 district must have documentation that it made reasonable  
22 efforts to convene the meeting at a mutually convenient time  
23 and date for the school district and the person having custody  
24 or control of the child and, but for the conduct of that  
25 person, the meeting would have occurred.

26 (Source: P.A. 85-234.)