



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 3466

2 AMENDMENT NO. _____. Amend Senate Bill 3466 by replacing
3 everything after the enacting clause with the following:

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

1 certified mail and shall state the time, place and purpose of
2 the meeting. The board, or a hearing officer appointed by it,
3 at such meeting shall state the reasons for dismissal and the
4 date on which the expulsion is to become effective. If a
5 hearing officer is appointed by the board, he shall report to
6 the board a written summary of the evidence heard at the
7 meeting and the board may take such action thereon as it finds
8 appropriate. If the board acts to expel a pupil, the written
9 expulsion decision shall detail the specific reasons why
10 removing the pupil from the learning environment is in the best
11 interest of the school. The expulsion decision shall also
12 include a rationale as to the specific duration of the
13 expulsion. An expelled pupil may be immediately transferred to
14 an alternative program in the manner provided in Article 13A or
15 13B of this Code. A pupil must not be denied transfer because
16 of the expulsion, except in cases in which such transfer is
17 deemed to cause a threat to the safety of students or staff in
18 the alternative program.

19 (b) To suspend or by policy to authorize the superintendent
20 of the district or the principal, assistant principal, or dean
21 of students of any school to suspend pupils guilty of gross
22 disobedience or misconduct, or to suspend pupils guilty of
23 gross disobedience or misconduct on the school bus from riding
24 the school bus, pursuant to subsections (b-15) and (b-20) of
25 this Section, and no action shall lie against them for such
26 suspension. The board may by policy authorize the

1 superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend pupils
3 guilty of such acts for a period not to exceed 10 school days.
4 If a pupil is suspended due to gross disobedience or misconduct
5 on a school bus, the board may suspend the pupil in excess of
6 10 school days for safety reasons.

7 Any suspension shall be reported immediately to the parents
8 or guardian of a pupil along with a full statement of the
9 reasons for such suspension and a notice of their right to a
10 review. The school board must be given a summary of the notice,
11 including the reason for the suspension and the suspension
12 length. Upon request of the parents or guardian, the school
13 board or a hearing officer appointed by it shall review such
14 action of the superintendent or principal, assistant
15 principal, or dean of students. At such review, the parents or
16 guardian of the pupil may appear and discuss the suspension
17 with the board or its hearing officer. If a hearing officer is
18 appointed by the board, he shall report to the board a written
19 summary of the evidence heard at the meeting. After its hearing
20 or upon receipt of the written report of its hearing officer,
21 the board may take such action as it finds appropriate. If a
22 student is suspended pursuant to this subsection (b), the board
23 shall, in the written suspension decision, detail the specific
24 act of gross disobedience or misconduct resulting in the
25 decision to suspend. The suspension decision shall also include
26 a rationale as to the specific duration of the suspension. A

1 pupil who is suspended in excess of 20 school days may be
2 immediately transferred to an alternative program in the manner
3 provided in Article 13A or 13B of this Code. A pupil must not
4 be denied transfer because of the suspension, except in cases
5 in which such transfer is deemed to cause a threat to the
6 safety of students or staff in the alternative program.

7 (b-5) Among the many possible disciplinary interventions
8 and consequences available to school officials, school
9 exclusions, such as out-of-school suspensions and expulsions,
10 are the most serious. School officials shall limit the number
11 and duration of expulsions and suspensions to the greatest
12 extent practicable, and it is recommended that they use them
13 only for legitimate educational purposes. To ensure that
14 students are not excluded from school unnecessarily, it is
15 recommended that school officials consider forms of
16 non-exclusionary discipline prior to using out-of-school
17 suspensions or expulsions.

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

22 (b-15) Out-of-school suspensions of 3 days or less may be
23 used only if the student's continuing presence in school would
24 pose a threat to school safety or a disruption to other
25 students' learning opportunities. For purposes of this
26 subsection (b-15), "threat to school safety or a disruption to

1 other students' learning opportunities" shall be determined on
2 a case-by-case basis by the school board or its designee.
3 School officials shall make all reasonable efforts to resolve
4 such threats, address such disruptions, and minimize the length
5 of suspensions to the greatest extent practicable.

6 (b-20) Unless otherwise required by this Code,
7 out-of-school suspensions of longer than 3 days, expulsions,
8 and disciplinary removals to alternative schools may be used
9 only if other appropriate and available behavioral and
10 disciplinary interventions have been exhausted and the
11 student's continuing presence in school would either (i) pose a
12 threat to the safety of other students, staff, or members of
13 the school community or (ii) substantially disrupt, impede, or
14 interfere with the operation of the school. For purposes of
15 this subsection (b-20), "threat to the safety of other
16 students, staff, or members of the school community" and
17 "substantially disrupt, impede, or interfere with the
18 operation of the school" shall be determined on a case-by-case
19 basis by school officials. For purposes of this subsection
20 (b-20), the determination of whether "appropriate and
21 available behavioral and disciplinary interventions have been
22 exhausted" shall be made by school officials. School officials
23 shall make all reasonable efforts to resolve such threats,
24 address such disruptions, and minimize the length of student
25 exclusions to the greatest extent practicable. Within the
26 suspension decision described in subsection (b) of this Section

1 or the expulsion decision described in subsection (a) of this
2 Section, it shall be documented whether other interventions
3 were attempted or whether it was determined that there were no
4 other appropriate and available interventions.

5 (b-25) Students who are suspended out-of-school for longer
6 than 4 school days shall be provided appropriate and available
7 support services during the period of their suspension. For
8 purposes of this subsection (b-25), "appropriate and available
9 support services" shall be determined by school authorities.
10 Within the suspension decision described in subsection (b) of
11 this Section, it shall be documented whether such services are
12 to be provided or whether it was determined that there are no
13 such appropriate and available services.

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

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

19 (b-30) A school district shall create a policy by which
20 suspended pupils, including those pupils suspended from the
21 school bus who do not have alternate transportation to school,
22 shall have the opportunity to make up work for equivalent
23 academic credit. It shall be the responsibility of a pupil's
24 parent or guardian to notify school officials that a pupil
25 suspended from the school bus does not have alternate
26 transportation to school.

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

5 (c-5) School districts shall make reasonable efforts to
6 provide ongoing professional development to teachers,
7 administrators, school board members, school resource
8 officers, and staff on the adverse consequences of school
9 exclusion and justice-system involvement, effective classroom
10 management strategies, culturally responsive discipline, the
11 appropriate and available supportive services for the
12 promotion of student attendance and engagement, and
13 developmentally appropriate disciplinary methods that promote
14 positive and healthy school climates.

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

22 (1) A firearm. For the purposes of this Section,
23 "firearm" means any gun, rifle, shotgun, weapon as defined
24 by Section 921 of Title 18 of the United States Code,
25 firearm as defined in Section 1.1 of the Firearm Owners
26 Identification Card Act, or firearm as defined in Section

1 24-1 of the Criminal Code of 2012. The expulsion period
2 under this subdivision (1) may be modified by the
3 superintendent, and the superintendent's determination may
4 be modified by the board on a case-by-case basis.

5 (2) A knife, brass knuckles or other knuckle weapon
6 regardless of its composition, a billy club, or any other
7 object if used or attempted to be used to cause bodily
8 harm, including "look alike" of any firearm as defined in
9 subdivision (1) of this subsection (d). The expulsion
10 requirement under this subdivision (2) may be modified by
11 the superintendent, and the superintendent's determination
12 may be modified by the board on a case-by-case basis.

13 Expulsion or suspension shall be construed in a manner
14 consistent with the Federal Individuals with Disabilities
15 Education Act. A student who is subject to suspension or
16 expulsion as provided in this Section may be eligible for a
17 transfer to an alternative school program in accordance with
18 Article 13A of the School Code.

19 (d-5) The board may suspend or by regulation authorize the
20 superintendent of the district or the principal, assistant
21 principal, or dean of students of any school to suspend a
22 student for a period not to exceed 10 school days or may expel
23 a student for a definite period of time not to exceed 2
24 calendar years, as determined on a case-by-case ~~case-by-case~~
25 basis, if (i) that student has been determined to have made an
26 explicit threat on an Internet website against a school

1 employee, a student, or any school-related personnel, (ii) the
2 Internet website through which the threat was made is a site
3 that was accessible within the school at the time the threat
4 was made or was available to third parties who worked or
5 studied within the school grounds at the time the threat was
6 made, and (iii) the threat could be reasonably interpreted as
7 threatening to the safety and security of the threatened
8 individual because of his or her duties or employment status or
9 status as a student inside the school.

10 (e) To maintain order and security in the schools, school
11 authorities may inspect and search places and areas such as
12 lockers, desks, parking lots, and other school property and
13 equipment owned or controlled by the school, as well as
14 personal effects left in those places and areas by students,
15 without notice to or the consent of the student, and without a
16 search warrant. As a matter of public policy, the General
17 Assembly finds that students have no reasonable expectation of
18 privacy in these places and areas or in their personal effects
19 left in these places and areas. School authorities may request
20 the assistance of law enforcement officials for the purpose of
21 conducting inspections and searches of lockers, desks, parking
22 lots, and other school property and equipment owned or
23 controlled by the school for illegal drugs, weapons, or other
24 illegal or dangerous substances or materials, including
25 searches conducted through the use of specially trained dogs.
26 If a search conducted in accordance with this Section produces

1 evidence that the student has violated or is violating either
2 the law, local ordinance, or the school's policies or rules,
3 such evidence may be seized by school authorities, and
4 disciplinary action may be taken. School authorities may also
5 turn over such evidence to law enforcement authorities.

6 (f) Suspension or expulsion may include suspension or
7 expulsion from school and all school activities and a
8 prohibition from being present on school grounds.

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

18 (h) School officials shall not advise or encourage students
19 to drop out voluntarily due to behavioral or academic
20 difficulties.

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

25 (j) Subsections (a) through (i) of this Section shall apply
26 to elementary and secondary schools, charter schools, special

1 charter districts, and school districts organized under
2 Article 34 of this Code.

3 (k) The expulsion of children enrolled in programs funded
4 under Section 1C-2 of this Code is subject to the requirements
5 under paragraph (7) of subsection (a) of Section 2-3.71 of this
6 Code.

7 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
8 revised 1-22-18.)

9 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

13 "Valid cause" for absence shall be illness, observance of a
14 religious holiday, death in the immediate family, family
15 emergency, and shall include such other situations beyond the
16 control of the student as determined by the board of education
17 in each district, or such other circumstances which cause
18 reasonable concern to the parent for the mental, emotional, or
19 physical ~~safety or~~ health or safety of the student.

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

24 "Truant minor" is defined as a chronic truant to whom
25 supportive services, including prevention, diagnostic,

1 intervention and remedial services, alternative programs and
2 other school and community resources have been provided and
3 have failed to result in the cessation of chronic truancy, or
4 have been offered and refused.

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

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

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

18 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

19 Sec. 26-12. Punitive action.

20 (a) No punitive action, including out of school
21 suspensions, expulsions or court action, shall be taken against
22 chronic truants for such truancy unless appropriate and
23 available supportive services and other school resources have
24 been provided to the student.

25 (b) A school district may not refer a truant, chronic

1 truant, or truant minor to any other local public entity, as
2 defined under Section 1-206 of the Local Governmental and
3 Governmental Employees Tort Immunity Act, for that local public
4 entity to issue the child a fine or a fee as punishment for his
5 or her truancy.

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

22 (1) For any child who is a homeless child, as defined
23 under Section 1-5 of the Education for Homeless Children
24 Act, a meeting between the child, the person having custody
25 or control of the child, relevant school personnel, and a
26 homeless liaison to discuss any barriers to the child's

1 attendance due to the child's transitional living
2 situation and to construct a plan that removes these
3 barriers.

4 (2) For any child with a documented disability, a
5 meeting between the child, the person having custody or
6 control of the child, and relevant school personnel to
7 review the child's current needs and address the
8 appropriateness of the child's placement and services. For
9 any child subject to Article 14 of this Code, this meeting
10 shall be an individualized education program meeting and
11 shall include relevant members of the individualized
12 education program team. For any child with a disability
13 under Section 504 of the federal Rehabilitation Act of 1973
14 (29 U.S.C. 794), this meeting shall be a Section 504 plan
15 review and include relevant members of the Section 504 plan
16 team.

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

23 (d) Before a school district may refer a person having
24 custody or control of a child to a local public entity under
25 this Section, the school district must document any appropriate
26 and available supportive services offered to the child. In the

1 event a meeting under this Section does not occur, a school
2 district must have documentation that it made reasonable
3 efforts to convene the meeting at a mutually convenient time
4 and date for the school district and the person having custody
5 or control of the child and, but for the conduct of that
6 person, the meeting would have occurred.

7 (Source: P.A. 85-234.)".