



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4001

Introduced 3/4/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.162

Amends the School Code. With regard to the student discipline report, provides that the report must include data on the total number of school days missed by a student due to an out-of-school suspension or expulsion and data on the number of arrests made by law enforcement officers of students on school grounds, in school vehicles, at school activities or school-sanctioned events, or as a result of referrals by school officials. Provides that the report must be disaggregated by whether a student qualifies for services under the federal Individuals with Disabilities Education Act, the total number of school days missed by the student, and the incident type that caused the suspension, expulsion, or removal to an alternative setting. Provides that, in compiling the report, the State Board of Education must use the same disclosure avoidance standards used by the United States Department of Education in its public reporting of data submitted by each school district as part of the Civil Rights Data Collection and must also ensure that cross-tabulation by the various categories of disaggregation is possible. Requires the State Superintendent of Education to convene an Equitable and Restorative School Discipline Advisory Council to advise the State Board of Education on the ongoing implementation of school discipline policies in this State. Makes other changes. Effective immediately.

LRB102 14701 CMG 20054 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 2-3.162 as follows:

6 (105 ILCS 5/2-3.162)

7 Sec. 2-3.162. Student discipline report; school discipline
8 improvement plan.

9 (a) On or before October 31, 2015 and on or before October
10 31 of each subsequent year, the State Board of Education,
11 through the State Superintendent of Education, shall prepare a
12 report on student discipline in all school districts in this
13 State, including State-authorized charter schools. This report
14 shall include data from all public schools within school
15 districts, including district-authorized charter schools. This
16 report must be posted on the Internet website of the State
17 Board of Education. The report shall include data on the
18 issuance of out-of-school suspensions, expulsions, and
19 removals to alternative settings in lieu of another
20 disciplinary action and the total number of school days missed
21 by a student due to an out-of-school suspension or expulsion,
22 disaggregated by race and ethnicity, gender, age, individual
23 grade level, whether a student is an English learner, whether

1 a student qualifies for services under the federal Individuals
2 with Disabilities Education Act, incident type, and discipline
3 duration. The report shall also include data on the number of
4 arrests made by law enforcement officers of students on school
5 grounds, in school vehicles, at school activities or
6 school-sanctioned events, or as a result of referrals by
7 school officials, disaggregated by race and ethnicity, gender,
8 age, individual grade level, whether a student is an English
9 learner, whether a student qualifies for services under the
10 federal Individuals with Disabilities Education Act, the
11 offense for which the student was arrested, and the final
12 disposition of the arrest.

13 In compiling the report under this subsection, the State
14 Board of Education must also disaggregate the data by the
15 total number of school days missed by a student as follows: by
16 less than or equal to one day, 2 days, 3 days, 4 days, 5 days,
17 6 days, 7 days, 8 days, 9 days, 10 days, 11 through 30 days, 31
18 through 60 days, 61 through 90 days, and 91 through 180 days.

19 In compiling the report under this subsection, the State
20 Board of Education must also disaggregate the data on
21 suspensions, expulsions, and removals to alternative settings
22 by all of the following incident types:

23 (1) Disruption, disrespect, or defiance of authority.

24 (2) Truancy, tardiness, or class-cutting.

25 (3) Alcohol.

26 (4) Threats.

- 1 (5) Fighting.
- 2 (6) Other violent offenses.
- 3 (7) Bullying or harassment.
- 4 (8) Dress code violation.
- 5 (9) Drugs or controlled substances.
- 6 (10) Theft.
- 7 (11) Property damage.
- 8 (12) Tobacco.
- 9 (13) Dangerous weapon - firearm.
- 10 (14) Dangerous weapon - other.
- 11 (15) Trespassing.
- 12 (16) Other.

13 In compiling the report under this subsection, the State
14 Board of Education must also disaggregate the data on the
15 issuance of school-based arrests by the criminal offense for
16 which the student was arrested.

17 (a-5) In compiling the report under subsection (a), the
18 State Board of Education must use the same disclosure
19 avoidance standards used by the United States Department of
20 Education in its public reporting of data submitted by each
21 school district as part of the Civil Rights Data Collection.
22 The State Board must also ensure that cross-tabulation by the
23 various categories of disaggregation is possible.

24 (b) The State Board of Education shall analyze the data
25 under subsection (a) of this Section on an annual basis and
26 determine the top 20% of elementary school districts, high

1 school districts, and unit school districts for the following
2 metrics:

3 (1) Total number of out-of-school suspensions divided
4 by the total district enrollment by the last school day in
5 September for the year in which the data was collected,
6 multiplied by 100.

7 (2) Total number of out-of-school expulsions divided
8 by the total district enrollment by the last school day in
9 September for the year in which the data was collected,
10 multiplied by 100.

11 (2.5) Total number of school-based arrests divided by
12 the total district enrollment by the last school day in
13 September for the year in which the data was collected,
14 multiplied by 100.

15 (3) Racial disproportionality, defined as the
16 overrepresentation of students of color or white students
17 in comparison to the total number of students of color or
18 white students on October 1st of the school year in which
19 data are collected, with respect to the use of
20 out-of-school suspensions and expulsions, which must be
21 calculated using the same method as the U.S. Department of
22 Education's Office for Civil Rights uses.

23 The analysis must be based on data collected over 3
24 consecutive school years, beginning with the 2014-2015 school
25 year.

26 Beginning with the 2017-2018 school year, the State Board

1 of Education shall require each of the school districts that
2 are identified in the top 20% of any of the metrics described
3 in this subsection (b) for 3 consecutive years to submit a plan
4 identifying the strategies the school district will implement
5 to reduce the use of exclusionary disciplinary practices,
6 school-based arrests, or racial disproportionality ~~or both~~, if
7 applicable. School districts that no longer meet the criteria
8 described in any of the metrics described in this subsection
9 (b) for 3 consecutive years shall no longer be required to
10 submit a plan.

11 This plan may be combined with any other improvement plans
12 required under federal or State law.

13 The calculation of the top 20% of any of the metrics
14 described in this subsection (b) shall exclude all school
15 districts, State-authorized charter schools, and special
16 charter districts that issued fewer than a total of 10
17 out-of-school suspensions or expulsions or school-based
18 arrests, whichever is applicable, during the school year. The
19 calculation of the top 20% of the metric described in
20 subdivision (3) of this subsection (b) shall exclude all
21 school districts with an enrollment of fewer than 50 white
22 students or fewer than 50 students of color.

23 The plan must be approved at a public school board meeting
24 and posted on the school district's Internet website. Within
25 one year after being identified, the school district shall
26 submit to the State Board of Education and post on the

1 district's Internet website a progress report describing the
2 implementation of the plan and the results achieved.

3 (c) The State Superintendent of Education shall convene an
4 Equitable and Restorative School Discipline Advisory Council,
5 which shall be staffed by the State Board of Education.
6 Members of the Council shall be selected by the State
7 Superintendent and include, without limitation,
8 representatives of teacher unions and school district
9 management, persons with expertise in restorative, culturally
10 responsive, trauma-informed processes and systems of school
11 discipline, and youth and parent representatives and
12 organizations. The Council shall meet at least quarterly and
13 may also meet at the call of the chairperson of the Council
14 until June 30, 2023. The Council shall advise the State Board
15 of Education on the ongoing implementation of school
16 discipline policies in this State, which may include gathering
17 public feedback, sharing best practices, consulting with the
18 State Board on any proposed rule changes regarding school
19 discipline, and other subjects as determined by the
20 chairperson of the Council.

21 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15;
22 100-863, eff. 8-14-18.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.