



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5096

Introduced 1/27/2022, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-8.02i new

Amends the School Code. Provides that the removal of a student with a disability for disciplinary reasons, violations of the student code of conduct, or other inappropriate behavior shall conform with the applicable provisions of the federal Individuals with Disabilities Education Act and certain administrative rules. Provides that an in-school suspension is not considered a removal. Provides that removal of a student for any part of a school day constitutes a day of removal. Provides that a directive by school administration to a parent or guardian not to send the student to school on a school day that results in the student not attending school for any part of that school day constitutes a day of removal. Provides that, for each removal, the parent or guardian of the student must be provided with a written notice that includes the action taken, the duration of the action, and the reasons for the action. Provides that the written notice to the parent or guardian and any written or recorded information concerning a removal of the student shall be made part of the student's school records. Effective immediately.

LRB102 23989 RJT 33195 b

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 adding Section  
5 14-8.02i as follows:

6 (105 ILCS 5/14-8.02i new)

7 Sec. 14-8.02i. Disciplinary action and removal of student.

8 (a) The removal of a student with a disability for  
9 disciplinary reasons, violations of the student code of  
10 conduct, or other inappropriate behavior shall conform with  
11 the applicable provisions of the federal Individuals with  
12 Disabilities Education Act, the requirements of 34 C.F.R.  
13 Section 300.536, and the provisions of this Section.

14 (b) An in-school suspension is not considered a removal.

15 (c) Removal of a student for any part of a school day  
16 constitutes a day of removal.

17 (d) A directive by school administration to a parent or  
18 guardian not to send the student to school on a school day that  
19 results in the student not attending school for any part of  
20 that school day constitutes a day of removal.

21 (e) For each removal, the parent or guardian of the  
22 student must be provided with a written notice that includes  
23 the action taken, the duration of the action, and the reasons

1 for the action.

2 (f) The written notice to the parent or guardian and any  
3 written or recorded information concerning a removal of the  
4 student shall be made part of the student's school records.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.