



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2088

Introduced 2/26/2021, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.13a
105 ILCS 5/10-22.6

from Ch. 122, par. 2-3.13a
from Ch. 122, par. 10-22.6

Amends the School Code. Provides that a school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion before being allowed to attend the school district in person (rather than before being admitted into the school district). Provides that this policy must require the provision of an educational continuity plan for suspended or expelled students; sets forth requirements for the plan. Makes changes concerning the State Board of Education's standard form that Illinois school districts are required to provide to any student who is moving out of the school district. Makes other changes concerning the transfer of a student and the suspension or expulsion of a student.

LRB102 13566 CMG 18914 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 2-3.13a and 10-22.6 as follows:

6 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

7 Sec. 2-3.13a. School records; transferring students.

8 (a) The State Board of Education shall establish and
9 implement rules requiring all of the public schools and all
10 private or nonpublic elementary and secondary schools located
11 in this State, whenever any such school has a student who is
12 transferring to any other public elementary or secondary
13 school located in this or in any other state, to forward within
14 10 days of notice of the student's transfer an unofficial
15 record of that student's grades to the school to which such
16 student is transferring. Each public school at the same time
17 also shall forward to the school to which the student is
18 transferring the remainder of the student's school student
19 records as required by the Illinois School Student Records
20 Act. In addition, if a student is transferring from a public
21 school, whether located in this or any other state, from which
22 the student has been suspended or expelled for knowingly
23 possessing in a school building or on school grounds a weapon

1 as defined in the Gun Free Schools Act (20 U.S.C. 8921 et
2 seq.), for knowingly possessing, selling, or delivering in a
3 school building or on school grounds a controlled substance or
4 cannabis, or for battering a staff member of the school, and if
5 the period of suspension or expulsion has not expired at the
6 time the student attempts to transfer into another public
7 school in the same or any other school district: (i) any school
8 student records required to be transferred shall include the
9 date and duration of the period of suspension or expulsion;
10 and (ii) with the exception of transfers into the Department
11 of Juvenile Justice school district, the student shall not be
12 permitted to attend class in the public school into which he or
13 she is transferring until the student has served the entire
14 period of the suspension or expulsion imposed by the school
15 from which the student is transferring, provided that the
16 school board may approve the placement of the student in an
17 alternative school program established under Article 13A of
18 this Code. A school district may adopt a policy providing that
19 if a student is suspended or expelled for any reason from any
20 public or private school in this or any other state, the
21 student must complete the entire term of the suspension or
22 expulsion before being allowed to attend ~~admitted into~~ the
23 school district in person. This policy must require the
24 provision of an educational continuity plan for suspended or
25 expelled students pursuant to subsection (b-25) or (d-10) of
26 Section 10-22.6 of this Code, and this ~~This~~ policy may allow

1 placement of the student in an alternative school program
2 established under Article 13A of this Code, if available, for
3 the remainder of the suspension or expulsion. Each public
4 school and each private or nonpublic elementary or secondary
5 school in this State shall within 10 days after the student has
6 paid all of his or her outstanding fines and fees and at its
7 own expense forward an official transcript of the scholastic
8 records of each student transferring from that school in
9 strict accordance with the provisions of this Section and the
10 rules established by the State Board of Education as herein
11 provided.

12 (b) The State Board of Education shall develop a one-page
13 standard form that Illinois school districts are required to
14 provide to any student who is moving out of the school district
15 and that contains the information about whether or not the
16 student is "in good standing" and whether or not his or her
17 medical records are up-to-date and complete. As used in this
18 Section, "in good standing" means that the student is not
19 being disciplined by a suspension or expulsion, but is
20 entitled to attend classes in person. The form shall note if
21 the student has been suspended or expelled and has been
22 provided with an educational continuity plan pursuant to
23 subsection (b-25) or (d-10) of Section 10-22.6 of this Code.
24 The school district to which a suspended or expelled student
25 is transferring shall request a copy of the educational
26 continuity plan from the school district from which the

1 student is transferring and shall modify, amend, or otherwise
2 change the educational continuity plan to meet the needs of
3 the student, provided that the educational continuity plan
4 must meet the requirements of subsection (b-25) or (d-10) of
5 Section 10-22.6 of this Code. No school district is required
6 to admit a new student who is transferring from another
7 Illinois school district unless he or she can produce the
8 standard form from the student's previous school district
9 enrollment. The parent or guardian of a ~~No school district is~~
10 ~~required to admit a new~~ student who is transferring from an
11 out-of-state public school to an Illinois public school shall
12 certify in writing whether the student is ~~unless the parent or~~
13 ~~guardian of the student certifies in writing that the student~~
14 ~~is not~~ currently serving a suspension or expulsion imposed by
15 the school from which the student is transferring. The school
16 district to which a student who has been suspended or expelled
17 from an out-of-state public school is transferring shall
18 create an educational continuity plan pursuant to subsection
19 (b-25) or (d-10) of Section 10-22.6 of this Code for the
20 duration of the suspension or expulsion.

21 (c) The State Board of Education shall, by rule, establish
22 a system to provide for the accurate tracking of transfer
23 students. This system shall, at a minimum, require that a
24 student be counted as a dropout in the calculation of a
25 school's or school district's annual student dropout rate
26 unless the school or school district to which the student

1 transferred (known hereafter in this subsection (c) as the
2 transferee school or school district) sends notification to
3 the school or school district from which the student
4 transferred (known hereafter in this subsection (c) as the
5 transferor school or school district) documenting that the
6 student has enrolled in the transferee school or school
7 district. This notification must occur on or before July 31
8 following the school year during which the student withdraws
9 from the transferor school or school district or the student
10 shall be counted in the calculation of the transferor school's
11 or school district's annual student dropout rate. A request by
12 the transferee school or school district to the transferor
13 school or school district seeking the student's academic
14 transcripts or medical records shall be considered without
15 limitation adequate documentation of enrollment. Each
16 transferor school or school district shall keep documentation
17 of such transfer students for the minimum period provided in
18 the Illinois School Student Records Act. All records
19 indicating the school or school district to which a student
20 transferred are subject to the Illinois School Student Records
21 Act.

22 (Source: P.A. 96-1423, eff. 8-3-10.)

23 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

24 Sec. 10-22.6. Suspension or expulsion of pupils; school
25 searches.

1 (a) To expel pupils guilty of gross disobedience or
2 misconduct, including gross disobedience or misconduct
3 perpetrated by electronic means, pursuant to subsection (b-20)
4 of this Section, and no action shall lie against them for such
5 expulsion. Expulsion shall take place only after the parents
6 have been requested to appear at a meeting of the board, or
7 with a hearing officer appointed by it, to discuss their
8 child's behavior. Such request shall be made by registered or
9 certified mail and shall state the time, place and purpose of
10 the meeting. The board, or a hearing officer appointed by it,
11 at such meeting shall state the reasons for dismissal and the
12 date on which the expulsion is to become effective. If a
13 hearing officer is appointed by the board, he shall report to
14 the board a written summary of the evidence heard at the
15 meeting and the board may take such action thereon as it finds
16 appropriate. If the board acts to expel a pupil, the written
17 expulsion decision shall detail the specific reasons why
18 removing the pupil from the learning environment is in the
19 best interest of the school. The expulsion decision shall also
20 include a rationale as to the specific duration of the
21 expulsion. An expelled pupil may be immediately transferred to
22 an alternative program in the manner provided in Article 13A
23 or 13B of this Code. A pupil must not be denied transfer
24 because of the expulsion, except in cases in which such
25 transfer is deemed to cause a threat to the safety of students
26 or staff in the alternative program.

1 (b) To suspend or by policy to authorize the
2 superintendent of the district or the principal, assistant
3 principal, or dean of students of any school to suspend pupils
4 guilty of gross disobedience or misconduct, or to suspend
5 pupils guilty of gross disobedience or misconduct on the
6 school bus from riding the school bus, pursuant to subsections
7 (b-15) and (b-20) of this Section, and no action shall lie
8 against them for such suspension. The board may by policy
9 authorize the superintendent of the district or the principal,
10 assistant principal, or dean of students of any school to
11 suspend pupils guilty of such acts for a period not to exceed
12 10 school days. If a pupil is suspended due to gross
13 disobedience or misconduct on a school bus, the board may
14 suspend the pupil in excess of 10 school days for safety
15 reasons.

16 Any suspension shall be reported immediately to the
17 parents or guardian of a pupil along with a full statement of
18 the reasons for such suspension and a notice of their right to
19 a review. The school board must be given a summary of the
20 notice, including the reason for the suspension and the
21 suspension length. Upon request of the parents or guardian,
22 the school board or a hearing officer appointed by it shall
23 review such action of the superintendent or principal,
24 assistant principal, or dean of students. At such review, the
25 parents or guardian of the pupil may appear and discuss the
26 suspension with the board or its hearing officer. If a hearing

1 officer is appointed by the board, he shall report to the board
2 a written summary of the evidence heard at the meeting. After
3 its hearing or upon receipt of the written report of its
4 hearing officer, the board may take such action as it finds
5 appropriate. If a student is suspended pursuant to this
6 subsection (b), the board shall, in the written suspension
7 decision, detail the specific act of gross disobedience or
8 misconduct resulting in the decision to suspend. The
9 suspension decision shall also include a rationale as to the
10 specific duration of the suspension. A pupil who is suspended
11 ~~in excess of 20 school days~~ may be immediately transferred to
12 an alternative program in the manner provided in Article 13A
13 or 13B of this Code. A pupil must not be denied transfer
14 because of the suspension, except in cases in which such
15 transfer is deemed to cause a threat to the safety of students
16 or staff in the alternative program.

17 (b-5) Among the many possible disciplinary interventions
18 and consequences available to school officials, school
19 exclusions, such as out-of-school suspensions and expulsions,
20 are the most serious. School officials shall limit the number
21 and duration of expulsions and suspensions to the greatest
22 extent practicable, and it is recommended that they use them
23 only for legitimate educational purposes. To ensure that
24 students are not excluded from school unnecessarily, it is
25 recommended that school officials consider forms of
26 non-exclusionary discipline prior to using out-of-school

1 suspensions or expulsions.

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

6 (b-15) Out-of-school suspensions of 3 days or less may be
7 used only if the student's continuing physical presence in
8 school would pose a threat to school safety or a disruption to
9 other students' learning opportunities. For purposes of this
10 subsection (b-15), "threat to school safety or a disruption to
11 other students' learning opportunities" shall be determined on
12 a case-by-case basis by the school board or its designee.
13 School officials shall make all reasonable efforts to resolve
14 such threats, address such disruptions, and minimize the
15 length of suspensions to the greatest extent practicable.

16 (b-20) Unless otherwise required by this Code,
17 out-of-school suspensions ~~of longer than 3 days~~, expulsions,
18 and disciplinary removals to alternative schools may be used
19 only if other appropriate and available behavioral and
20 disciplinary interventions have been exhausted and the
21 student's continuing presence in school would either (i) pose
22 a threat to the safety of other students, staff, or members of
23 the school community or (ii) substantially disrupt, impede, or
24 interfere with the operation of the school. For purposes of
25 this subsection (b-20), "threat to the safety of other
26 students, staff, or members of the school community" and

1 "substantially disrupt, impede, or interfere with the
2 operation of the school" shall be determined on a case-by-case
3 basis by school officials. For purposes of this subsection
4 (b-20), the determination of whether "appropriate and
5 available behavioral and disciplinary interventions have been
6 exhausted" shall be made by school officials. School officials
7 shall make all reasonable efforts to resolve such threats,
8 address such disruptions, and minimize the length of student
9 exclusions to the greatest extent practicable. Within the
10 suspension decision described in subsection (b) of this
11 Section or the expulsion decision described in subsection (a)
12 of this Section, it shall be documented whether other
13 interventions were attempted or whether it was determined that
14 there were no other appropriate and available interventions.

15 (b-25) Unless a suspended student is immediately
16 transferred to an alternative program in the manner provided
17 in Article 13A or 13B of this Code, the school district that
18 suspended the student shall create and implement an
19 educational continuity plan for the student. An educational
20 continuity plan must provide the student with (i) a minimum of
21 5 hours of instruction on each day of suspension, with a
22 minimum of 2.5 hours being synchronous with a teacher licensed
23 under Article 21B of this Code, (ii) access to support
24 services provided either by the school district or an outside
25 entity, and (iii) access to school meals as required under the
26 School Breakfast and Lunch Program Act, provided that the

1 school district is not required to provide transportation for
2 this purpose. A suspended student who is provided instruction
3 in conformance with this subsection (b-25) shall be counted as
4 in attendance for such days. ~~Students who are suspended~~
5 ~~out of school for longer than 4 school days shall be provided~~
6 ~~appropriate and available support services during the period~~
7 ~~of their suspension. For purposes of this subsection (b-25),~~
8 ~~"appropriate and available support services" shall be~~
9 ~~determined by school authorities. Within the suspension~~
10 ~~decision described in subsection (b) of this Section, it shall~~
11 ~~be documented whether such services are to be provided or~~
12 ~~whether it was determined that there are no such appropriate~~
13 ~~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, which policy shall meet the requirements of
24 subsection (b-25) of this Section. It shall be the
25 responsibility of a pupil's parent or guardian to notify
26 school officials that a pupil suspended from the school bus

1 does not have alternate transportation to school.

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

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

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

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

1 Identification Card Act, or firearm as defined in Section
2 24-1 of the Criminal Code of 2012. The expulsion period
3 under this subdivision (1) may be modified by the
4 superintendent, and the superintendent's determination may
5 be modified by the board on a case-by-case basis.

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

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

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

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

11 (d-10) Unless an expelled student is immediately
12 transferred to an alternative program in the manner provided
13 in Article 13A or 13B of this Code, the school district that
14 expelled the student shall create and implement an educational
15 continuity plan for the student. An educational continuity
16 plan must provide the student with (i) a minimum of 5 hours of
17 instruction on each day of expulsion, with a minimum of 2.5
18 hours being synchronous with a teacher licensed under Article
19 21B of this Code, (ii) access to support services provided
20 either by the school district or an outside entity, and (iii)
21 access to school meals as required under the School Breakfast
22 and Lunch Program Act, provided that the school district is
23 not required to provide transportation for this purpose. An
24 expelled student provided instruction in conformance with this
25 subsection (d-10) shall be counted as in attendance for such
26 days and shall continue to be enrolled in the school district

1 during the term of expulsion.

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

24 (f) Suspension or expulsion may include suspension or
25 expulsion from school and all school activities and a
26 prohibition from being present on school grounds.

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

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

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

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

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

25 (l) Beginning with the 2018-2019 school year, an in-school
26 suspension program provided by a school district for any

1 students in kindergarten through grade 12 may focus on
2 promoting non-violent conflict resolution and positive
3 interaction with other students and school personnel. A school
4 district may employ a school social worker or a licensed
5 mental health professional to oversee an in-school suspension
6 program in kindergarten through grade 12.

7 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
8 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
9 7-12-19.)