



Sen. Christopher Belt

Filed: 4/22/2021

10200SB2088sam001

LRB102 13566 CMG 25450 a

1 AMENDMENT TO SENATE BILL 2088

2 AMENDMENT NO. _____. Amend Senate Bill 2088 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 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

1 also shall forward to the school to which the student is
2 transferring the remainder of the student's school student
3 records as required by the Illinois School Student Records
4 Act. In addition, if a student is transferring from a public
5 school, whether located in this or any other state, from which
6 the student has been suspended or expelled for knowingly
7 possessing in a school building or on school grounds a weapon
8 as defined in the Gun Free Schools Act (20 U.S.C. 8921 et
9 seq.), for knowingly possessing, selling, or delivering in a
10 school building or on school grounds a controlled substance or
11 cannabis, or for battering a staff member of the school, and if
12 the period of suspension or expulsion has not expired at the
13 time the student attempts to transfer into another public
14 school in the same or any other school district: (i) any school
15 student records required to be transferred shall include the
16 date and duration of the period of suspension or expulsion;
17 and (ii) with the exception of transfers into the Department
18 of Juvenile Justice school district, the student shall not be
19 permitted to attend class in the public school into which he or
20 she is transferring until the student has served the entire
21 period of the suspension or expulsion imposed by the school
22 from which the student is transferring, provided that the
23 school board may approve the placement of the student in an
24 alternative school program established under Article 13A of
25 this Code. A school district may adopt a policy providing that
26 if a student is suspended or expelled for any reason from any

1 public or private school in this or any other state, the
2 student must complete the entire term of the suspension or
3 expulsion before being allowed to attend ~~admitted into~~ the
4 school district in person. This policy must require the
5 provision of an educational continuity plan for suspended or
6 expelled students pursuant to subsection (b-25) or (d-10) of
7 Section 10-22.6 of this Code, and this ~~This~~ policy may allow
8 placement of the student in an alternative school program
9 established under Article 13A of this Code, if available, for
10 the remainder of the suspension or expulsion. Each public
11 school and each private or nonpublic elementary or secondary
12 school in this State shall within 10 days after the student has
13 paid all of his or her outstanding fines and fees and at its
14 own expense forward an official transcript of the scholastic
15 records of each student transferring from that school in
16 strict accordance with the provisions of this Section and the
17 rules established by the State Board of Education as herein
18 provided.

19 (b) The State Board of Education shall develop a one-page
20 standard form that Illinois school districts are required to
21 provide to any student who is moving out of the school district
22 and that contains the information about whether or not the
23 student is "in good standing" and whether or not his or her
24 medical records are up-to-date and complete. As used in this
25 Section, "in good standing" means that the student is not
26 being disciplined by a suspension or expulsion, but is

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

1 for the duration of the suspension or expulsion.

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

1 transferred are subject to the Illinois School Student Records
2 Act.

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

4 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

5 Sec. 10-22.6. Suspension or expulsion of pupils; school
6 searches.

7 (a) To expel pupils guilty of gross disobedience or
8 misconduct, including gross disobedience or misconduct
9 perpetuated by electronic means, pursuant to subsection (b-20)
10 of this Section, and no action shall lie against them for such
11 expulsion. Expulsion shall take place only after the parents
12 have been requested to appear at a meeting of the board, or
13 with a hearing officer appointed by it, to discuss their
14 child's behavior. Such request shall be made by registered or
15 certified mail and shall state the time, place and purpose of
16 the meeting. The board, or a hearing officer appointed by it,
17 at such meeting shall state the reasons for dismissal and the
18 date on which the expulsion is to become effective. If a
19 hearing officer is appointed by the board, he shall report to
20 the board a written summary of the evidence heard at the
21 meeting and the board may take such action thereon as it finds
22 appropriate. If the board acts to expel a pupil, the written
23 expulsion decision shall detail the specific reasons why
24 removing the pupil from the learning environment is in the
25 best interest of the school. The expulsion decision shall also

1 include a rationale as to the specific duration of the
2 expulsion. An expelled pupil may be immediately transferred to
3 an alternative program in the manner provided in Article 13A
4 or 13B of this Code. A pupil must not be denied transfer
5 because of the expulsion, except in cases in which such
6 transfer is deemed to cause a threat to the safety of students
7 or staff in the alternative program.

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

23 Any suspension shall be reported immediately to the
24 parents or guardian of a pupil along with a full statement of
25 the reasons for such suspension and a notice of their right to
26 a review. The school board must be given a summary of the

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

24 (b-5) Among the many possible disciplinary interventions
25 and consequences available to school officials, school
26 exclusions, such as out-of-school suspensions and expulsions,

1 are the most serious. School officials shall limit the number
2 and duration of expulsions and suspensions to the greatest
3 extent practicable, and it is recommended that they use them
4 only for legitimate educational purposes. To ensure that
5 students are not excluded from school unnecessarily, it is
6 recommended that school officials consider forms of
7 non-exclusionary discipline prior to using out-of-school
8 suspensions or expulsions.

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

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

23 (b-20) Unless otherwise required by this Code,
24 out-of-school suspensions ~~of longer than 3 days~~, expulsions,
25 and disciplinary removals to alternative schools may be used
26 only if other appropriate and available behavioral and

1 disciplinary interventions have been exhausted and the
2 student's continuing physical presence in school would either
3 (i) pose a threat to the safety of other students, staff, or
4 members of the school community or (ii) substantially disrupt,
5 impede, or interfere with the operation of the school. For
6 purposes of this subsection (b-20), "threat to the safety of
7 other students, staff, or members of the school community" and
8 "substantially disrupt, impede, or interfere with the
9 operation of the school" shall be determined on a case-by-case
10 basis by school officials. For purposes of this subsection
11 (b-20), the determination of whether "appropriate and
12 available behavioral and disciplinary interventions have been
13 exhausted" shall be made by the school board or its designee
14 ~~school officials~~. School officials shall make all reasonable
15 efforts to resolve such threats, address such disruptions, and
16 minimize the length of student exclusions to the greatest
17 extent practicable. Within the suspension decision described
18 in subsection (b) of this Section or the expulsion decision
19 described in subsection (a) of this Section, it shall be
20 documented whether other interventions were attempted or
21 whether it was determined that there were no other appropriate
22 and available interventions.

23 (b-25) Unless a suspended student is immediately
24 transferred to an alternative program in the manner provided
25 in Article 13A or 13B of this Code, the school district that
26 suspended the student shall create an educational continuity

1 plan for the student, to be implemented beginning on the first
2 full day of the suspension. An educational continuity plan
3 must provide the student with (i) a minimum of 5 hours of
4 instruction on each day of suspension, with a minimum of 60
5 minutes being synchronous with a teacher licensed under
6 Article 21B of this Code, (ii) access to support services
7 provided either by the school district or an outside entity,
8 and (iii) access to school meals as required under the School
9 Breakfast and Lunch Program Act, provided that the school
10 district is not required to provide transportation for this
11 purpose. A suspended student who is provided instruction in
12 conformance with this subsection (b-25) shall be counted as in
13 attendance for such days. ~~Students who are suspended~~
14 ~~out of school for longer than 4 school days shall be provided~~
15 ~~appropriate and available support services during the period~~
16 ~~of their suspension. For purposes of this subsection (b-25),~~
17 ~~"appropriate and available support services" shall be~~
18 ~~determined by school authorities. Within the suspension~~
19 ~~decision described in subsection (b) of this Section, it shall~~
20 ~~be documented whether such services are to be provided or~~
21 ~~whether it was determined that there are no such appropriate~~
22 ~~and available services.~~

23 ~~A school district may refer students who are expelled to~~
24 ~~appropriate and available support services.~~

25 A school district shall create a policy to facilitate the
26 re-engagement of students who are suspended out-of-school,

1 expelled, or returning from an alternative school setting.

2 (b-30) A school district shall create a policy by which
3 suspended pupils, including those pupils suspended from the
4 school bus who do not have alternate transportation to school,
5 shall have the opportunity to make up work for equivalent
6 academic credit, which policy shall meet the requirements of
7 subsection (b-25) of this Section. It shall be the
8 responsibility of a pupil's parent or guardian to notify
9 school officials that a pupil suspended from the school bus
10 does not have alternate transportation to school.

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

15 (c-5) School districts shall make reasonable efforts to
16 provide ongoing professional development to teachers,
17 administrators, school board members, school resource
18 officers, and staff on the adverse consequences of school
19 exclusion and justice-system involvement, effective classroom
20 management strategies, culturally responsive discipline, the
21 appropriate and available supportive services for the
22 promotion of student attendance and engagement, and
23 developmentally appropriate disciplinary methods that promote
24 positive and healthy school climates.

25 (d) The board may expel a student for a definite period of
26 time not to exceed 2 calendar years, as determined on a

1 case-by-case basis. A student who is determined to have
2 brought one of the following objects to school, any
3 school-sponsored activity or event, or any activity or event
4 that bears a reasonable relationship to school shall be
5 expelled for a period of not less than one year:

6 (1) A firearm. For the purposes of this Section,
7 "firearm" means any gun, rifle, shotgun, weapon as defined
8 by Section 921 of Title 18 of the United States Code,
9 firearm as defined in Section 1.1 of the Firearm Owners
10 Identification Card Act, or firearm as defined in Section
11 24-1 of the Criminal Code of 2012. The expulsion period
12 under this subdivision (1) may be modified by the
13 superintendent, and the superintendent's determination may
14 be modified by the board on a case-by-case basis.

15 (2) A knife, brass knuckles or other knuckle weapon
16 regardless of its composition, a billy club, or any other
17 object if used or attempted to be used to cause bodily
18 harm, including "look alike" of any firearm as defined in
19 subdivision (1) of this subsection (d). The expulsion
20 requirement under this subdivision (2) may be modified by
21 the superintendent, and the superintendent's determination
22 may be modified by the board on a case-by-case basis.

23 Expulsion or suspension shall be construed in a manner
24 consistent with the federal Individuals with Disabilities
25 Education Act. A student who is subject to suspension or
26 expulsion as provided in this Section may be eligible for a

1 transfer to an alternative school program in accordance with
2 Article 13A of the School Code.

3 (d-5) The board may suspend or by regulation authorize the
4 superintendent of the district or the principal, assistant
5 principal, or dean of students of any school to suspend a
6 student for a period not to exceed 10 school days or may expel
7 a student for a definite period of time not to exceed 2
8 calendar years, as determined on a case-by-case basis, if (i)
9 that student has been determined to have made an explicit
10 threat on an Internet website against a school employee, a
11 student, or any school-related personnel, (ii) the Internet
12 website through which the threat was made is a site that was
13 accessible within the school at the time the threat was made or
14 was available to third parties who worked or studied within
15 the school grounds at the time the threat was made, and (iii)
16 the threat could be reasonably interpreted as threatening to
17 the safety and security of the threatened individual because
18 of his or her duties or employment status or status as a
19 student inside the school.

20 (d-10) Upon the expulsion of a student, a school district
21 shall, within a reasonable timeframe, consult with the
22 appropriate regional office of education for the purpose of
23 determining the placement of the student under this subsection
24 (d-10). Unless an expelled student is immediately transferred
25 to an alternative program in the manner provided in Article
26 13A or 13B of this Code, the school district that expelled the

1 student shall create and implement an educational continuity
2 plan for the student. An educational continuity plan must
3 provide the student with (i) a minimum of 5 hours of
4 instruction on each day of expulsion, with a minimum of 60
5 minutes being synchronous with a teacher licensed under
6 Article 21B of this Code, (ii) access to support services
7 provided either by the school district or an outside entity,
8 and (iii) access to school meals as required under the School
9 Breakfast and Lunch Program Act, provided that the school
10 district is not required to provide transportation for this
11 purpose. An expelled student provided instruction in
12 conformance with this subsection (d-10) shall be counted as in
13 attendance for such days and shall continue to be enrolled in
14 the school district during the term of expulsion.

15 (e) To maintain order and security in the schools, school
16 authorities may inspect and search places and areas such as
17 lockers, desks, parking lots, and other school property and
18 equipment owned or controlled by the school, as well as
19 personal effects left in those places and areas by students,
20 without notice to or the consent of the student, and without a
21 search warrant. As a matter of public policy, the General
22 Assembly finds that students have no reasonable expectation of
23 privacy in these places and areas or in their personal effects
24 left in these places and areas. School authorities may request
25 the assistance of law enforcement officials for the purpose of
26 conducting inspections and searches of lockers, desks, parking

1 lots, and other school property and equipment owned or
2 controlled by the school for illegal drugs, weapons, or other
3 illegal or dangerous substances or materials, including
4 searches conducted through the use of specially trained dogs.
5 If a search conducted in accordance with this Section produces
6 evidence that the student has violated or is violating either
7 the law, local ordinance, or the school's policies or rules,
8 such evidence may be seized by school authorities, and
9 disciplinary action may be taken. School authorities may also
10 turn over such evidence to law enforcement authorities.

11 (f) Suspension or expulsion may include suspension or
12 expulsion from school and all school activities and a
13 prohibition from being present on school grounds.

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

23 (h) School officials shall not advise or encourage
24 students to drop out voluntarily due to behavioral or academic
25 difficulties.

26 (i) A student may not be issued a monetary fine or fee as a

1 disciplinary consequence, though this shall not preclude
2 requiring a student to provide restitution for lost, stolen,
3 or damaged property.

4 (j) Subsections (a) through (i) of this Section shall
5 apply to elementary and secondary schools, charter schools,
6 special charter districts, and school districts organized
7 under Article 34 of this Code.

8 (k) The expulsion of children enrolled in programs funded
9 under Section 1C-2 of this Code is subject to the requirements
10 under paragraph (7) of subsection (a) of Section 2-3.71 of
11 this Code.

12 (l) Beginning with the 2018-2019 school year, an in-school
13 suspension program provided by a school district for any
14 students in kindergarten through grade 12 may focus on
15 promoting non-violent conflict resolution and positive
16 interaction with other students and school personnel. A school
17 district may employ a school social worker or a licensed
18 mental health professional to oversee an in-school suspension
19 program in kindergarten through grade 12.

20 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
21 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
22 7-12-19.)".