



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2724

Introduced 2/16/2023, by Rep. Cyril Nichols

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Boards Article of the School Code. In provisions regarding suspension or expulsion of pupils, provides that, when expelling a student, the board shall notify the parents of the nature of the hearing and the option of retaining legal counsel. Provides that, when the suspension period is over, the pupil may return to school. Provides that for a pupil suspended due to gross disobedience or misconduct on a school bus, a written decision about whether the student can use a school bus shall be made within 15 days of the incident. Provides that a school shall offer written demonstration of remediation efforts excluding out of school suspensions. Provides that schools shall use data to track whether significant disproportionality based on race and ethnicity is occurring both in the State and in the district with respect to the incidence, duration, and type of disciplinary removals from placement, including suspensions and expulsions. Provides that, if it is determined that significant disproportionality is occurring, the school shall provide that determination for annual review and, if appropriate, revision of the policies, practices, and procedures used in disciplinary removals to ensure that the policies, practices, and procedures comply with the district's equity requirements. Provides that notice of suspension shall also include other evidence-based alternatives to suspension. Provides that when a student is suspended for more than 4 days, "appropriate and available support services" must include an option for automatically placing the student in an e-learning program or distance learning program through written materials if (1) the removal is for more than 5 consecutive school days; or (2) the child has been subjected to a series of removals that constitute a pattern, because the series of removals total more than 10 school days in a school year, because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and because of the effects of additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

LRB103 28535 RJT 54916 b

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 10-22.6 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 (Text of Section before amendment by P.A. 102-466)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school  
9 searches.

10 (a) To expel pupils guilty of gross disobedience or  
11 misconduct, including gross disobedience or misconduct  
12 perpetuated by electronic means, pursuant to subsection (b-20)  
13 of this Section, and no action shall lie against them for such  
14 expulsion. Expulsion shall take place only after the parents  
15 have been requested to appear at a meeting of the board, or  
16 with a hearing officer appointed by it, to discuss their  
17 child's behavior and been notified of the nature of the  
18 hearing and the option of retaining legal counsel. Such  
19 request shall be made by registered or certified mail and  
20 shall state the time, place and purpose of the meeting. The  
21 board, or a hearing officer appointed by it, at such meeting  
22 shall state the reasons for dismissal and the date on which the  
23 expulsion is to become effective. If a hearing officer is

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

14 (b) To suspend or by policy to authorize the  
15 superintendent of the district or the principal, assistant  
16 principal, or dean of students of any school to suspend pupils  
17 guilty of gross disobedience or misconduct, or to suspend  
18 pupils guilty of gross disobedience or misconduct on the  
19 school bus from riding the school bus, pursuant to subsections  
20 (b-15) and (b-20) of this Section, and no action shall lie  
21 against them for such suspension. The board may by policy  
22 authorize the superintendent of the district or the principal,  
23 assistant principal, or dean of students of any school to  
24 suspend pupils guilty of such acts for a period not to exceed  
25 10 school days. The day after the suspension period is over,  
26 the pupil may return to school. If a pupil is suspended due to

1 gross disobedience or misconduct on a school bus, the board  
2 may suspend the pupil in excess of 10 school days for safety  
3 reasons. For a pupil suspended due to gross disobedience or  
4 misconduct on a school bus, a written decision about whether  
5 the student is permitted to use a school bus shall be made  
6 within 15 days of the incident that led to the student being  
7 suspended.

8 Any suspension shall be reported immediately to the  
9 parents or guardian of a pupil along with a full statement of  
10 the reasons for such suspension and a notice of their right to  
11 a review. Schools shall offer written demonstration of  
12 remediation efforts excluding out of school suspensions,  
13 including, but not limited to, attempts at peer meditation,  
14 in-school suspension, a shorter period of a 3 to 5 day  
15 suspension, and any previous parent or legal guardian  
16 communications. Schools shall also use data to track whether  
17 significant disproportionality based on race and ethnicity is  
18 occurring both in the State and the district with respect to  
19 the incidence, duration, and type of disciplinary removals  
20 from placement, including suspensions and expulsions. If it is  
21 determined that significant disproportionality is occurring,  
22 the school shall provide that determination for annual review  
23 and, if appropriate, revision of the policies, practices, and  
24 procedures used in disciplinary removals to ensure that the  
25 policies, practices, and procedures comply with the district's  
26 equity requirements. The school board must be given a summary

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

25 (b-5) Among the many possible disciplinary interventions  
26 and consequences available to school officials, school

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

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

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

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

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

23 (b-25) Students who are suspended out-of-school for longer  
24 than 4 school days shall be provided appropriate and available  
25 support services during the period of their suspension. For  
26 purposes of this subsection (b-25), "appropriate and available

1 support services" shall be determined by school authorities,  
2 but shall include an option for automatically placing the  
3 student in an e-learning program or distance learning program  
4 through written materials if (1) the removal is for more than 5  
5 consecutive school days; or (2) the child has been subjected  
6 to a series of removals that constitute a pattern, because the  
7 series of removals total more than 10 school days in a school  
8 year, because the child's behavior is substantially similar to  
9 the child's behavior in previous incidents that resulted in  
10 the series of removals, and because of the effects of  
11 additional factors such as the length of each removal, the  
12 total amount of time the child has been removed, and the  
13 proximity of the removals to one another. Within the  
14 suspension decision described in subsection (b) of this  
15 Section, it shall be documented whether such services are to  
16 be provided or whether it was determined that there are no such  
17 appropriate and available services.

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

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

23 (b-30) A school district shall create a policy by which  
24 suspended pupils, including those pupils suspended from the  
25 school bus who do not have alternate transportation to school,  
26 shall have the opportunity to make up work for equivalent



1 academic credit. It shall be the responsibility of a pupil's  
2 parent or guardian to notify school officials that a pupil  
3 suspended from the school bus does not have alternate  
4 transportation to school.

5 (c) A school board must invite a representative from a  
6 local mental health agency to consult with the board at the  
7 meeting whenever there is evidence that mental illness may be  
8 the cause of a student's expulsion or suspension.

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

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

26 (1) A firearm. For the purposes of this Section,

1 "firearm" means any gun, rifle, shotgun, weapon as defined  
2 by Section 921 of Title 18 of the United States Code,  
3 firearm as defined in Section 1.1 of the Firearm Owners  
4 Identification Card Act, or firearm as defined in Section  
5 24-1 of the Criminal Code of 2012. The expulsion period  
6 under this subdivision (1) may be modified by the  
7 superintendent, and the superintendent's determination may  
8 be modified by the board on a case-by-case basis.

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

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

23 (d-5) The board may suspend or by regulation authorize the  
24 superintendent of the district or the principal, assistant  
25 principal, or dean of students of any school to suspend a  
26 student for a period not to exceed 10 school days or may expel

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

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

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

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

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

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

25 (i) A student may not be issued a monetary fine or fee as a  
26 disciplinary consequence, though this shall not preclude

1 requiring a student to provide restitution for lost, stolen,  
2 or damaged property.

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

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

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

19 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;  
20 102-813, eff. 5-13-22.)

21 (Text of Section after amendment by P.A. 102-466)

22 Sec. 10-22.6. Suspension or expulsion of pupils; school  
23 searches.

24 (a) To expel pupils guilty of gross disobedience or  
25 misconduct, including gross disobedience or misconduct

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

26 (b) To suspend or by policy to 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 gross disobedience or misconduct, or to suspend  
4 pupils guilty of gross disobedience or misconduct on the  
5 school bus from riding the school bus, pursuant to subsections  
6 (b-15) and (b-20) of this Section, and no action shall lie  
7 against them for such suspension. The board may by policy  
8 authorize the superintendent of the district or the principal,  
9 assistant principal, or dean of students of any school to  
10 suspend pupils guilty of such acts for a period not to exceed  
11 10 school days. The day after the suspension period is over,  
12 the pupil may return to school. If a pupil is suspended due to  
13 gross disobedience or misconduct on a school bus, the board  
14 may suspend the pupil in excess of 10 school days for safety  
15 reasons. For a pupil suspended due to gross disobedience or  
16 misconduct on a school bus, a written decision about whether  
17 the student is permitted to use a school bus shall be made  
18 within 15 days of the incident that led to the student being  
19 suspended.

20 Any suspension shall be reported immediately to the  
21 parents or guardians of a pupil along with a full statement of  
22 the reasons for such suspension and a notice of their right to  
23 a review. Schools shall offer written demonstration of  
24 remediation efforts excluding out of school suspensions,  
25 including, but not limited to, attempts at peer meditation,  
26 in-school suspension, a shorter period of a 3 to 5 day

1 suspension, and any previous parent or legal guardian  
2 communications. Schools shall also use data to track whether  
3 significant disproportionality based on race and ethnicity is  
4 occurring both in the State and the district with respect to  
5 the incidence, duration, and type of disciplinary removals  
6 from placement, including suspensions and expulsions. If it is  
7 determined that significant disproportionality is occurring,  
8 the school shall provide that determination for annual review  
9 and, if appropriate, revision of the policies, practices, and  
10 procedures used in disciplinary removals to ensure that the  
11 policies, practices, and procedures comply with the district's  
12 equity requirements. The school board must be given a summary  
13 of the notice, including the reason for the suspension, and  
14 the suspension length, and other evidence-based alternatives  
15 to suspension. Upon request of the parents or guardians, the  
16 school board or a hearing officer appointed by it shall review  
17 such action of the superintendent or principal, assistant  
18 principal, or dean of students. At such review, the parents or  
19 guardians of the pupil may appear and discuss the suspension  
20 with the board or its hearing officer. If a hearing officer is  
21 appointed by the board, he shall report to the board a written  
22 summary of the evidence heard at the meeting. After its  
23 hearing or upon receipt of the written report of its hearing  
24 officer, the board may take such action as it finds  
25 appropriate. If a student is suspended pursuant to this  
26 subsection (b), the board shall, in the written suspension



1 decision, detail the specific act of gross disobedience or  
2 misconduct resulting in the decision to suspend. The  
3 suspension decision shall also include a rationale as to the  
4 specific duration of the suspension. A pupil who is suspended  
5 in excess of 20 school days may be immediately transferred to  
6 an alternative program in the manner provided in Article 13A  
7 or 13B of this Code. A pupil must not be denied transfer  
8 because of the suspension, except in cases in which such  
9 transfer is deemed to cause a threat to the safety of students  
10 or staff in the alternative program.

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

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

26 (b-15) Out-of-school suspensions of 3 days or less may be

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

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

1 shall make all reasonable efforts to resolve such threats,  
2 address such disruptions, and minimize the length of student  
3 exclusions to the greatest extent practicable. Within the  
4 suspension decision described in subsection (b) of this  
5 Section or the expulsion decision described in subsection (a)  
6 of this Section, it shall be documented whether other  
7 interventions were attempted or whether it was determined that  
8 there were no other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer  
10 than 4 school days shall be provided appropriate and available  
11 support services during the period of their suspension. For  
12 purposes of this subsection (b-25), "appropriate and available  
13 support services" shall be determined by school authorities,  
14 but shall include an option for automatically placing the  
15 student in an e-learning program or distance learning program  
16 through written materials if (1) the removal is for more than 5  
17 consecutive school days; or (2) the child has been subjected  
18 to a series of removals that constitute a pattern, because the  
19 series of removals total more than 10 school days in a school  
20 year, because the child's behavior is substantially similar to  
21 the child's behavior in previous incidents that resulted in  
22 the series of removals, and because of the effects of  
23 additional factors such as the length of each removal, the  
24 total amount of time the child has been removed, and the  
25 proximity of the removals to one another. Within the  
26 suspension decision described in subsection (b) of this

1 Section, it shall be documented whether such services are to  
2 be provided or whether it was determined that there are no such  
3 appropriate and available services.

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

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

9 (b-30) A school district shall create a policy by which  
10 suspended pupils, including those pupils suspended from the  
11 school bus who do not have alternate transportation to school,  
12 shall have the opportunity to make up work for equivalent  
13 academic credit. It shall be the responsibility of a pupil's  
14 parents or guardians to notify school officials that a pupil  
15 suspended from the school bus does not have alternate  
16 transportation to school.

17 (b-35) In all suspension review hearings conducted under  
18 subsection (b) or expulsion hearings conducted under  
19 subsection (a), a student may disclose any factor to be  
20 considered in mitigation, including his or her status as a  
21 parent, expectant parent, or victim of domestic or sexual  
22 violence, as defined in Article 26A. A representative of the  
23 parent's or guardian's choice, or of the student's choice if  
24 emancipated, must be permitted to represent the student  
25 throughout the proceedings and to address the school board or  
26 its appointed hearing officer. With the approval of the

1 student's parent or guardian, or of the student if  
2 emancipated, a support person must be permitted to accompany  
3 the student to any disciplinary hearings or proceedings. The  
4 representative or support person must comply with any rules of  
5 the school district's hearing process. If the representative  
6 or support person violates the rules or engages in behavior or  
7 advocacy that harasses, abuses, or intimidates either party, a  
8 witness, or anyone else in attendance at the hearing, the  
9 representative or support person may be prohibited from  
10 further participation in the hearing or proceeding. A  
11 suspension or expulsion proceeding under this subsection  
12 (b-35) must be conducted independently from any ongoing  
13 criminal investigation or proceeding, and an absence of  
14 pending or possible criminal charges, criminal investigations,  
15 or proceedings may not be a factor in school disciplinary  
16 decisions.

17 (b-40) During a suspension review hearing conducted under  
18 subsection (b) or an expulsion hearing conducted under  
19 subsection (a) that involves allegations of sexual violence by  
20 the student who is subject to discipline, neither the student  
21 nor his or her representative shall directly question nor have  
22 direct contact with the alleged victim. The student who is  
23 subject to discipline or his or her representative may, at the  
24 discretion and direction of the school board or its appointed  
25 hearing officer, suggest questions to be posed by the school  
26 board or its appointed hearing officer to the alleged victim.

1 (c) A school board must invite a representative from a  
2 local mental health agency to consult with the board at the  
3 meeting whenever there is evidence that mental illness may be  
4 the cause of a student's 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 basis. A student who is determined to have  
18 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 basis, if (i)  
25          that student has been determined to have made an explicit  
26          threat on an Internet website against a school employee, a

1 student, or any school-related personnel, (ii) the Internet  
2 website through which the threat was made is a site that was  
3 accessible within the school at the time the threat was made or  
4 was available to third parties who worked or studied within  
5 the school grounds at the time the threat was made, and (iii)  
6 the threat could be reasonably interpreted as threatening to  
7 the safety and security of the threatened individual because  
8 of his or her duties or employment status or status as a  
9 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  
14 of 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. A school district that  
18 adopts a policy under this subsection (g) must include a  
19 provision allowing for consideration of any mitigating  
20 factors, including, but not limited to, a student's status as  
21 a parent, expectant parent, or victim of domestic or sexual  
22 violence, as defined in Article 26A.

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. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
21 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

22 Section 95. No acceleration or delay. Where this Act makes  
23 changes in a statute that is represented in this Act by text  
24 that is not yet or no longer in effect (for example, a Section  
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes  
2 made by this Act or (ii) provisions derived from any other  
3 Public Act.