



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3600

Introduced 2/17/2023, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6 from Ch. 122, par. 10-22.6  
105 ILCS 5/10-22.6c new  
105 ILCS 5/10-22.6d new

Amends the School Boards Article of the School Code. Provides that if a student is sent home for a full or partial school day, subjected to an in-school suspension, told not to come to school for non-medical reasons, or for other reasons that are not valid causes for absence, including behaviors that do not rise to the level of gross disobedience or misconduct, removal from the educational environment must be documented and the student's parent or guardian must be provided a notice in writing describing the action taken and the specific reason or reasons for the action. Provides that the written notice to the parents or guardian of a student with a disability provided must include a description of the school district's responsibility to convene a meeting of the student's IEP team or Section 504 plan team to review the student's behavioral intervention plan or to develop such a plan, and the parent's right to request such a meeting, if the cumulative number of days of removal of the student exceeds 10 in a school year. Provides that a school board shall authorize a superintendent of the district or the principal, assistant principal, or dean of students of any school to assign pupils guilty of gross disobedience or misconduct and send the pupil to in-school suspension, and no action shall lie against them for the in-school suspension. Provides that before assigning a pupil to in-school suspension, the charges shall be explained to the pupil and the pupil shall be given an opportunity to respond to the charges. Provides that pupils shall be given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit. Provides that an in-school suspension program provided by a school district for any pupils in kindergarten through grade 12 may focus on promoting non-violent conflict resolution and positive interaction with other pupils and school personnel. Provides that a school district may employ a school social worker or a licensed mental health professional to oversee an in-school suspension program. Makes other changes. Effective immediately.

LRB103 29452 RJT 55844 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 and by adding Sections 10-22.6c and 10-22.6d as  
6 follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

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

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

1 suspend the pupil in excess of 10 school days for safety  
2 reasons.

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

1 because of the suspension, except in cases in which such  
2 transfer is deemed to cause a threat to the safety of students  
3 or staff in the alternative program.

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

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

19 (b-15) Out-of-school suspensions of 3 days or less may be  
20 used only if the student's continuing presence in school would  
21 pose a threat to school safety or a disruption to other  
22 students' learning opportunities. For purposes of this  
23 subsection (b-15), "threat to school safety or a disruption to  
24 other students' learning opportunities" shall be determined on  
25 a case-by-case basis by the school board or its designee.  
26 School officials shall make all reasonable efforts to resolve

1 such threats, address such disruptions, and minimize the  
2 length of suspensions to the greatest extent practicable.

3 (b-20) Unless otherwise required by this Code,  
4 out-of-school suspensions of longer than 3 days, expulsions,  
5 and disciplinary removals to alternative schools may be used  
6 only if other appropriate and available behavioral and  
7 disciplinary interventions have been exhausted and the  
8 student's continuing presence in school would either (i) pose  
9 a threat to the safety of other students, staff, or members of  
10 the school community or (ii) substantially disrupt, impede, or  
11 interfere with the operation of the school. For purposes of  
12 this subsection (b-20), "threat to the safety of other  
13 students, staff, or members of the school community" and  
14 "substantially disrupt, impede, or interfere with the  
15 operation of the school" shall be determined on a case-by-case  
16 basis by school officials. For purposes of this subsection  
17 (b-20), the determination of whether "appropriate and  
18 available behavioral and disciplinary interventions have been  
19 exhausted" shall be made by school officials. School officials  
20 shall make all reasonable efforts to resolve such threats,  
21 address such disruptions, and minimize the length of student  
22 exclusions to the greatest extent practicable. Within the  
23 suspension decision described in subsection (b) of this  
24 Section or the expulsion decision described in subsection (a)  
25 of this Section, it shall be documented whether other  
26 interventions were attempted or whether it was determined that

1 there were no other appropriate and available interventions.

2 (b-25) Students who are suspended out-of-school for longer  
3 than 4 school days shall be provided appropriate and available  
4 support services during the period of their suspension. For  
5 purposes of this subsection (b-25), "appropriate and available  
6 support services" shall be determined by school authorities.  
7 Within the suspension decision described in subsection (b) of  
8 this Section, it shall be documented whether such services are  
9 to be provided or whether it was determined that there are no  
10 such appropriate and available services.

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

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

16 (b-30) A school district shall create a policy by which  
17 suspended pupils, including those pupils suspended from the  
18 school bus who do not have alternate transportation to school,  
19 shall have the opportunity to make up work for equivalent  
20 academic credit. It shall be the responsibility of a pupil's  
21 parent or guardian to notify school officials that a pupil  
22 suspended from the school bus does not have alternate  
23 transportation to school.

24 (c) A school board must invite a representative from a  
25 local mental health agency to consult with the board at the  
26 meeting whenever there is evidence that mental illness may be

1 the cause of a student's expulsion or suspension.

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

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

19 (1) A firearm. For the purposes of this Section,  
20 "firearm" means any gun, rifle, shotgun, weapon as defined  
21 by Section 921 of Title 18 of the United States Code,  
22 firearm as defined in Section 1.1 of the Firearm Owners  
23 Identification Card Act, or firearm as defined in Section  
24 24-1 of the Criminal Code of 2012. The expulsion period  
25 under this subdivision (1) may be modified by the  
26 superintendent, and the superintendent's determination may



1 be modified by the board on a case-by-case basis.

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

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

16 (d-5) The board may suspend or by regulation authorize the  
17 superintendent of the district or the principal, assistant  
18 principal, or dean of students of any school to suspend a  
19 student for a period not to exceed 10 school days or may expel  
20 a student for a definite period of time not to exceed 2  
21 calendar years, as determined on a case-by-case basis, if (i)  
22 that student has been determined to have made an explicit  
23 threat on an Internet website against a school employee, a  
24 student, or any school-related personnel, (ii) the Internet  
25 website through which the threat was made is a site that was  
26 accessible within the school at the time the threat was made or

1 was available to third parties who worked or studied within  
2 the school grounds at the time the threat was made, and (iii)  
3 the threat could be reasonably interpreted as threatening to  
4 the safety and security of the threatened individual because  
5 of his or her duties or employment status or status as a  
6 student inside the school.

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

1 disciplinary action may be taken. School authorities may also  
2 turn over such evidence to law enforcement authorities.

3 (f) Suspension or expulsion may include suspension or  
4 expulsion from school and all school activities and a  
5 prohibition from being present on school grounds.

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

15 (h) School officials shall not advise or encourage  
16 students to drop out voluntarily due to behavioral or academic  
17 difficulties.

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

22 (j) Subsections (a) through (i) of this Section shall  
23 apply to elementary and secondary schools, charter schools,  
24 special charter districts, and school districts organized  
25 under Article 34 of this Code.

26 (k) The expulsion of children enrolled in programs funded

1 under Section 1C-2 of this Code is subject to the requirements  
2 under paragraph (7) of subsection (a) of Section 2-3.71 of  
3 this Code.

4 (1) (Blank). ~~Beginning with the 2018-2019 school year, an~~  
5 ~~in school suspension program provided by a school district for~~  
6 ~~any students in kindergarten through grade 12 may focus on~~  
7 ~~promoting non violent conflict resolution and positive~~  
8 ~~interaction with other students and school personnel. A school~~  
9 ~~district may employ a school social worker or a licensed~~  
10 ~~mental health professional to oversee an in school suspension~~  
11 ~~program in kindergarten through grade 12.~~

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

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

15 Sec. 10-22.6. Suspension or expulsion of pupils; school  
16 searches.

17 (a) To expel pupils guilty of gross disobedience or  
18 misconduct, including gross disobedience or misconduct  
19 perpetuated by electronic means, pursuant to subsection (b-20)  
20 of this Section, and no action shall lie against them for such  
21 expulsion. Expulsion shall take place only after the parents  
22 or guardians have been requested to appear at a meeting of the  
23 board, or with a hearing officer appointed by it, to discuss  
24 their child's behavior. Such request shall be made by  
25 registered or certified mail and shall state the time, place

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

18 (b) To suspend or by policy to authorize the  
19 superintendent of the district or the principal, assistant  
20 principal, or dean of students of any school to suspend pupils  
21 guilty of gross disobedience or misconduct, or to suspend  
22 pupils guilty of gross disobedience or misconduct on the  
23 school bus from riding the school bus, pursuant to subsections  
24 (b-15) and (b-20) of this Section, and no action shall lie  
25 against them for such suspension. The board may by policy  
26 authorize the superintendent of the district or the principal,

1 assistant principal, or dean of students of any school to  
2 suspend pupils guilty of such acts for a period not to exceed  
3 10 school days. If a pupil is suspended due to gross  
4 disobedience or misconduct on a school bus, the board may  
5 suspend the pupil in excess of 10 school days for safety  
6 reasons.

7 Any suspension shall be reported immediately to the  
8 parents or guardians of a pupil along with a full statement of  
9 the reasons for such suspension and a notice of their right to  
10 a review. The school board must be given a summary of the  
11 notice, including the reason for the suspension and the  
12 suspension length. Upon request of the parents or guardians,  
13 the school board or a hearing officer appointed by it shall  
14 review such action of the superintendent or principal,  
15 assistant principal, or dean of students. At such review, the  
16 parents or guardians of the pupil may appear and discuss the  
17 suspension with the board or its hearing officer. If a hearing  
18 officer is appointed by the board, he shall report to the board  
19 a written summary of the evidence heard at the meeting. After  
20 its hearing or upon receipt of the written report of its  
21 hearing officer, the board may take such action as it finds  
22 appropriate. If a student is suspended pursuant to this  
23 subsection (b), the board shall, in the written suspension  
24 decision, detail the specific act of gross disobedience or  
25 misconduct resulting in the decision to suspend. The  
26 suspension decision shall also include a rationale as to the

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

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

23 (b-15) Out-of-school suspensions of 3 days or less may be  
24 used only if the student's continuing presence in school would  
25 pose a threat to school safety or a disruption to other  
26 students' learning opportunities. For purposes of this

1 subsection (b-15), "threat to school safety or a disruption to  
2 other students' learning opportunities" shall be determined on  
3 a case-by-case basis by the school board or its designee.  
4 School officials shall make all reasonable efforts to resolve  
5 such threats, address such disruptions, and minimize the  
6 length of suspensions to the greatest extent practicable.

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



1 suspension decision described in subsection (b) of this  
2 Section or the expulsion decision described in subsection (a)  
3 of this Section, it shall be documented whether other  
4 interventions were attempted or whether it was determined that  
5 there were no other appropriate and available interventions.

6 (b-25) Students who are suspended out-of-school for longer  
7 than 4 school days shall be provided appropriate and available  
8 support services during the period of their suspension. For  
9 purposes of this subsection (b-25), "appropriate and available  
10 support services" shall be determined by school authorities.  
11 Within the suspension decision described in subsection (b) of  
12 this Section, it shall be documented whether such services are  
13 to be provided or whether it was determined that there are no  
14 such appropriate and available services.

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

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

20 (b-30) A school district shall create a policy by which  
21 suspended pupils, including those pupils suspended from the  
22 school bus who do not have alternate transportation to school,  
23 shall have the opportunity to make up work for equivalent  
24 academic credit. It shall be the responsibility of a pupil's  
25 parents or guardians to notify school officials that a pupil  
26 suspended from the school bus does not have alternate

1 transportation to school.

2 (b-35) In all suspension review hearings conducted under  
3 subsection (b) or expulsion hearings conducted under  
4 subsection (a), a student may disclose any factor to be  
5 considered in mitigation, including his or her status as a  
6 parent, expectant parent, or victim of domestic or sexual  
7 violence, as defined in Article 26A. A representative of the  
8 parent's or guardian's choice, or of the student's choice if  
9 emancipated, must be permitted to represent the student  
10 throughout the proceedings and to address the school board or  
11 its appointed hearing officer. With the approval of the  
12 student's parent or guardian, or of the student if  
13 emancipated, a support person must be permitted to accompany  
14 the student to any disciplinary hearings or proceedings. The  
15 representative or support person must comply with any rules of  
16 the school district's hearing process. If the representative  
17 or support person violates the rules or engages in behavior or  
18 advocacy that harasses, abuses, or intimidates either party, a  
19 witness, or anyone else in attendance at the hearing, the  
20 representative or support person may be prohibited from  
21 further participation in the hearing or proceeding. A  
22 suspension or expulsion proceeding under this subsection  
23 (b-35) must be conducted independently from any ongoing  
24 criminal investigation or proceeding, and an absence of  
25 pending or possible criminal charges, criminal investigations,  
26 or proceedings may not be a factor in school disciplinary

1 decisions.

2 (b-40) During a suspension review hearing conducted under  
3 subsection (b) or an expulsion hearing conducted under  
4 subsection (a) that involves allegations of sexual violence by  
5 the student who is subject to discipline, neither the student  
6 nor his or her representative shall directly question nor have  
7 direct contact with the alleged victim. The student who is  
8 subject to discipline or his or her representative may, at the  
9 discretion and direction of the school board or its appointed  
10 hearing officer, suggest questions to be posed by the school  
11 board or its appointed hearing officer to the alleged victim.

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

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

26 (d) The board may expel a student for a definite period of

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

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

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

24 Expulsion or suspension shall be construed in a manner  
25 consistent with the federal Individuals with Disabilities  
26 Education Act. A student who is subject to suspension or

1 expulsion as provided in this Section may be eligible for a  
2 transfer to an alternative school program in accordance with  
3 Article 13A of the School Code.

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

21 (e) To maintain order and security in the schools, school  
22 authorities may inspect and search places and areas such as  
23 lockers, desks, parking lots, and other school property and  
24 equipment owned or controlled by the school, as well as  
25 personal effects left in those places and areas by students,  
26 without notice to or the consent of the student, and without a

1 search warrant. As a matter of public policy, the General  
2 Assembly finds that students have no reasonable expectation of  
3 privacy in these places and areas or in their personal effects  
4 left in these places and areas. School authorities may request  
5 the assistance of law enforcement officials for the purpose of  
6 conducting inspections and searches of lockers, desks, parking  
7 lots, and other school property and equipment owned or  
8 controlled by the school for illegal drugs, weapons, or other  
9 illegal or dangerous substances or materials, including  
10 searches conducted through the use of specially trained dogs.  
11 If a search conducted in accordance with this Section produces  
12 evidence that the student has violated or is violating either  
13 the law, local ordinance, or the school's policies or rules,  
14 such evidence may be seized by school authorities, and  
15 disciplinary action may be taken. School authorities may also  
16 turn over such evidence to law enforcement authorities.

17 (f) Suspension or expulsion may include suspension or  
18 expulsion from school and all school activities and a  
19 prohibition from being present on school grounds.

20 (g) A school district may adopt a policy providing that if  
21 a student is suspended or expelled for any reason from any  
22 public or private school in this or any other state, the  
23 student must complete the entire term of the suspension or  
24 expulsion in an alternative school program under Article 13A  
25 of this Code or an alternative learning opportunities program  
26 under Article 13B of this Code before being admitted into the

1 school district if there is no threat to the safety of students  
2 or staff in the alternative program. A school district that  
3 adopts a policy under this subsection (g) must include a  
4 provision allowing for consideration of any mitigating  
5 factors, including, but not limited to, a student's status as  
6 a parent, expectant parent, or victim of domestic or sexual  
7 violence, as defined in Article 26A.

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

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

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

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

23 (l) (Blank). ~~Beginning with the 2018-2019 school year, an~~  
24 ~~in-school suspension program provided by a school district for~~  
25 ~~any students in kindergarten through grade 12 may focus on~~  
26 ~~promoting non violent conflict resolution and positive~~

1 ~~interaction with other students and school personnel. A school~~  
2 ~~district may employ a school social worker or a licensed~~  
3 ~~mental health professional to oversee an in-school suspension~~  
4 ~~program in kindergarten through grade 12.~~

5 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
6 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

7 (105 ILCS 5/10-22.6c new)

8 Sec. 10-22.6c. Removal of a student from learning  
9 environment; documentation and notice.

10 (a) If a student is sent home for a full or partial school  
11 day, subjected to an in-school suspension, told not to come to  
12 school for non-medical reasons, or for other reasons that are  
13 not valid causes for absence under this Code, including  
14 behaviors that do not rise to the level of gross disobedience  
15 or misconduct, removal from the educational environment must  
16 be documented and the student's parent or guardian must be  
17 provided a notice in writing describing the action taken and  
18 the specific reason or reasons for the action. The  
19 documentation and written notice must be made part of the  
20 student's temporary school record pursuant to the Illinois  
21 School Student Records Act.

22 (b) If a removal is for gross disobedience or misconduct  
23 the written notice must comply with Section 22.6.

24 (c) Any removal of a student with a disability from the  
25 learning environment shall also conform with the applicable



1 provisions of the federal Individuals with Disabilities  
2 Education Act, 20 U.S.C. 1400 et seq.; Section 504 of the  
3 federal Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.;  
4 Article 14 of this Code; and any other applicable federal or  
5 State rules, including, but not limited to, 34 CFR 300.530  
6 through 300.536.

7 (d) The written notice to the parents or guardian of a  
8 student with a disability provided under subsection (a) must  
9 include a description of the school district's responsibility  
10 to convene a meeting of the student's IEP team or Section 504  
11 plan team to review the student's behavioral intervention plan  
12 or to develop such a plan, and the parent's right to request  
13 such a meeting, if the cumulative number of days of removal of  
14 the student exceeds 10 in a school year.

15 (105 ILCS 5/10-22.6d new)

16 Sec. 10-22.6d. In-school suspension.

17 (a) In this Section, "in-school suspension" means the  
18 temporary removal of a pupil from their regular classroom for  
19 disciplinary purposes while they remain under the direct  
20 supervision of school personnel.

21 (b) A school board shall authorize a superintendent of the  
22 district or the principal, assistant principal, or dean of  
23 students of any school to assign pupils guilty of gross  
24 disobedience or misconduct and send the pupil to in-school  
25 suspension, and no action shall lie against them for the

1 in-school suspension.

2 (c) Before assigning a pupil to in-school suspension, the  
3 charges shall be explained to the pupil and the pupil shall be  
4 given an opportunity to respond to the charges.

5 (d) Pupils shall be given the opportunity to complete  
6 classroom work during the in-school suspension for equivalent  
7 academic credit. An in-school suspension program provided by a  
8 school district for any pupils in kindergarten through grade  
9 12 may focus on promoting non-violent conflict resolution and  
10 positive interaction with other pupils and school personnel. A  
11 school district may employ a school social worker or a  
12 licensed mental health professional to oversee an in-school  
13 suspension program in kindergarten through grade 12.

14 (e) The parents or guardians of a pupil shall be provided  
15 with written notice of any in-school suspension, along with a  
16 full statement of the reasons for such in-school suspension.  
17 If the pupil is a pupil with a disability, the written notice  
18 shall also state whether the pupil will receive the  
19 instruction and services specified in the student's  
20 individualized educational program during the in-school  
21 suspension.

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.

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