



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5478

Introduced 2/9/2024, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1-3	from Ch. 122, par. 1-3
105 ILCS 5/2-3.204 new	
105 ILCS 5/10-20.14	from Ch. 122, par. 10-20.14
105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
105 ILCS 5/26-12	from Ch. 122, par. 26-12

Amends the State Board of Education Article of the School Code. Provides that the State Board of Education shall require, in a manner and method determined by the State Board, that each school district report the number of student referrals to law enforcement. Provides that the disaggregated data shall include data on referrals to law enforcement required to be submitted by a school district and charter school under the Code. Provides that the State Board of Education shall post the disaggregated data on the State Board's Internet website for the previous school year by October 31, starting with the 2023-2024 school year. Amends the School Boards Article of the School Code. In provisions concerning the suspension or expulsion of pupils, provides that school personnel may not issue a monetary fine, fee, or municipal ticket for school-based behavior as a disciplinary consequence, (instead of providing that a student may not be issued a monetary fine or fee as a disciplinary consequence). Sets forth provisions concerning disciplinary responses of schools. Provides that school personnel (instead of a school district) may not refer a truant, chronic truant, or truant minor to any other local public entity, school resource officer, or peace officer (instead of any other local public entity). Makes conforming changes. Effective immediately.

LRB103 37522 RJT 67645 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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. Findings and intent.

5 (a) The General Assembly finds the following:

6 (1) Public Act 99-456 prohibited schools from the
7 issuance of monetary fines or fees as disciplinary
8 consequences.

9 (2) Public Act 100-810 prohibited schools from
10 referring truant minors to local public entities for the
11 purpose of issuing fines or fees as punishment for truancy
12 and requiring schools to document the provision of all
13 appropriate and available supportive services before
14 referring an individual having custody of a truant minor
15 to a local entity.

16 (3) Thousands of students have been referred to
17 municipalities for behaviors occurring on school grounds,
18 during school-related events, or while taking school
19 transportation.

20 (4) The impact of municipal tickets, citations, and
21 ordinance violations disproportionately impact students of
22 color and students with disabilities.

23 (5) Municipal fines and fees associated with municipal
24 tickets, citations, and ordinance violations create

1 financial hardship for minors and their families.

2 (6) Municipal proceedings do not provide minors with
3 sufficient due process, confidentiality, or record
4 expungement protections.

5 (7) In accordance with federal law and regulations,
6 Illinois schools provide data to the Civil Rights Data
7 Collection required by the Department of Education Office
8 of Civil Rights, including data on referrals to law
9 enforcement and which disaggregates referrals resulting in
10 arrests, but does not disaggregate referrals resulting in
11 a municipal ticket, citation, or ordinance violation.

12 (b) It is the intent of the General Assembly to learn more
13 about the prevalence of student referrals to law enforcement,
14 particularly those resulting in municipal tickets, citations,
15 or ordinance violations for behaviors occurring on school
16 grounds, during school-related events, or while taking school
17 transportation. It is not the intent of the General Assembly
18 to modify current school disciplinary responses provided in
19 the School Code or responses to alleged delinquent or criminal
20 conduct as set forth in the School Code, the Juvenile Court
21 Act, and the Criminal Code of 2012.

22 Section 10. The School Code is amended by changing
23 Sections 1-3, 10-20.14, 10-22.6, and 26-12 and by adding
24 Section 2-3.204 as follows:

1 (105 ILCS 5/1-3) (from Ch. 122, par. 1-3)

2 Sec. 1-3. Definitions. In this Code:

3 The terms "common schools", "free schools" and "public
4 schools" are used interchangeably to apply to any school
5 operated by authority of this Act.

6 "School-based behavior" means student behavior that occurs
7 at a school, a school-sponsored activity or event, or any
8 activity or event that has a reasonable relationship to a
9 school.

10 "School board" means the governing body of any district
11 created or operating under authority of this Code, including
12 board of school directors and board of education. When the
13 context so indicates it also means the governing body of any
14 non-high school district and of any special charter district,
15 including a board of school inspectors.

16 "School fees" or "fees" means any monetary charge
17 collected by a public school, public school district, or
18 charter school from a student or the parents or guardian of a
19 student as a prerequisite for the student's participation in
20 any curricular or extracurricular program of the school or
21 school district as defined under paragraphs (1) and (2) of
22 subsection (a) of Section 1.245 of Title 23 of the Illinois
23 Administrative Code.

24 "School personnel" means persons who are employed by, who
25 are on contract with, or who volunteer in a school district,
26 charter school, or non-public, non-sectarian elementary or

1 secondary school, including, but not limited to, school
2 administrators, school district administrators, teachers,
3 school social workers, school counselors, school
4 psychologists, school nurses, cafeteria workers, custodians,
5 bus drivers, school resource officers, and security guards.

6 "Special charter district" means any city, township, or
7 district organized into a school district, under a special Act
8 or charter of the General Assembly or in which schools are now
9 managed and operating within such unit in whole or in part
10 under the terms of such special Act or charter.

11 (Source: P.A. 102-687, eff. 12-17-21; 102-805, eff. 1-1-23.)

12 (105 ILCS 5/2-3.204 new)

13 Sec. 2-3.204. Law enforcement referral report.

14 (a) In this Section, "referral to law enforcement" means
15 an action by which a student is reported to any law enforcement
16 agency or official, including a school resource officer, for
17 school-based behaviors.

18 (b) The State Board of Education shall require, in a
19 manner and method determined by the State Board, that each
20 school district reports the number of student referrals to law
21 enforcement. The disaggregated data shall include data on
22 referrals to law enforcement required to be submitted by a
23 school district or charter school under Articles 10 and 34.
24 The State Board of Education shall post the disaggregated data
25 on the State Board's Internet website for the previous school

1 year by October 31, starting with the 2023-2024 school year.

2 (c) The disaggregated data collected under subsection (b)
3 shall be organized by school district and include the
4 following:

5 (1) The number of referrals to law enforcement that
6 resulted in a municipal ticket, a citation, or an
7 ordinance violation and number of students cited,
8 disaggregated by race, ethnicity, gender, whether that
9 student has an individualized education program or a plan
10 pursuant to Section 504 of the federal Rehabilitation Act
11 of 1973, whether the student is an English language
12 learner, and the reason for referral organized by offense.

13 (2) The total number of municipal tickets, citations,
14 and ordinance violations issued by law enforcement
15 resulting from school-based behaviors, disaggregated by
16 race, ethnicity, gender, whether that student has an
17 individualized education program or a plan pursuant to
18 Section 504 of the federal Rehabilitation Act of 1973,
19 whether the student is an English language learner, and
20 the reason for issuance organized by offense.

21 (3) The total number of arrests made by law
22 enforcement resulting from school-based behaviors,
23 disaggregated by race, ethnicity, gender, whether that
24 student has an individualized education program or a plan
25 pursuant to Section 504 of the federal Rehabilitation Act
26 of 1973, whether the student is an English language

1 learner, and the reason for arrest organized by offense.

2 (4) The total number of referrals to law enforcement
3 and total number of students referred to law enforcement,
4 disaggregated by race, ethnicity, gender, whether that
5 student has an individualized education program or a plan
6 pursuant to Section 504 of the federal Rehabilitation Act
7 of 1973, whether the student is an English language
8 learner, and the reason for referral organized by offense.

9 (5) The number of referrals to law enforcement that
10 resulted in an arrest and number of students arrested,
11 disaggregated by race, ethnicity, gender, whether that
12 student has an individualized education program or a plan
13 pursuant to Section 504 of the federal Rehabilitation Act
14 of 1973, whether the student is an English language
15 learner, and the reason for referral organized by offense.

16 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

17 Sec. 10-20.14. Student discipline policies; parent-teacher
18 advisory committee.

19 (a) To establish and maintain a parent-teacher advisory
20 committee to develop with the school board or governing body
21 of a charter school policy guidelines on pupil discipline,
22 including school searches and bullying prevention as set forth
23 in Section 27-23.7 of this Code. School authorities shall
24 furnish a copy of the policy to the parents or guardian of each
25 pupil within 15 days after the beginning of the school year, or

1 within 15 days after starting classes for a pupil who
2 transfers into the district during the school year, and the
3 school board or governing body of a charter school shall
4 require that a school inform its pupils of the contents of the
5 policy. School boards and the governing bodies of charter
6 schools, along with the parent-teacher advisory committee,
7 must annually review their pupil discipline policies, the
8 implementation of those policies, and any other factors
9 related to the safety of their schools, pupils, and staff.

10 (a-5) On or before September 15, 2016, each elementary and
11 secondary school and charter school shall, at a minimum, adopt
12 pupil discipline policies that fulfill the requirements set
13 forth in this Section, subsections (a) and (b) of Section
14 10-22.6 of this Code, Section 34-19 of this Code if
15 applicable, and federal and State laws that provide special
16 requirements for the discipline of students with disabilities.

17 (b) The parent-teacher advisory committee in cooperation
18 with local law enforcement agencies shall develop, with the
19 school board, policy guideline procedures to establish and
20 maintain a reciprocal reporting system between the school
21 district and local law enforcement agencies regarding criminal
22 and civil offenses committed by students. School districts are
23 encouraged to create memoranda of understanding with local law
24 enforcement agencies that clearly define law enforcement's
25 role in schools, in accordance with Section 10-22.6 and
26 Section 2-3.204 of this Code.

1 (c) The parent-teacher advisory committee, in cooperation
2 with school bus personnel, shall develop, with the school
3 board, policy guideline procedures to establish and maintain
4 school bus safety procedures. These procedures shall be
5 incorporated into the district's pupil discipline policy.

6 (d) The school board, in consultation with the
7 parent-teacher advisory committee and other community-based
8 organizations, must include provisions in the student
9 discipline policy to address students who have demonstrated
10 behaviors that put them at risk for aggressive behavior,
11 including without limitation bullying, as defined in the
12 policy. These provisions must include procedures for notifying
13 parents or legal guardians and early intervention procedures
14 based upon available community-based and district resources.

15 (Source: P.A. 99-456, eff. 9-15-16.)

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

20 (a) To expel pupils guilty of gross disobedience or
21 misconduct, including gross disobedience or misconduct
22 perpetuated by electronic means, pursuant to subsection (b-20)
23 of this Section, and no action shall lie against them for such
24 expulsion. Expulsion shall take place only after the parents
25 have been requested to appear at a meeting of the board, or

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

21 (b) To suspend or by policy to authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of gross disobedience or misconduct, or to suspend
25 pupils guilty of gross disobedience or misconduct on the
26 school bus from riding the school bus, pursuant to subsections

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

10 Any suspension shall be reported immediately to the
11 parents or guardian of a pupil along with a full statement of
12 the reasons for such suspension and a notice of their right to
13 a review. The school board must be given a summary of the
14 notice, including the reason for the suspension and the
15 suspension length. Upon request of the parents or guardian,
16 the school board or a hearing officer appointed by it shall
17 review such action of the superintendent or principal,
18 assistant principal, or dean of students. At such review, the
19 parents or guardian of the pupil may appear and discuss the
20 suspension with the board or its hearing officer. If a hearing
21 officer is appointed by the board, he shall report to the board
22 a written summary of the evidence heard at the meeting. After
23 its hearing or upon receipt of the written report of its
24 hearing 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 Within the suspension decision described in subsection (b) of
15 this Section, it shall be documented whether such services are
16 to be provided or whether it was determined that there are no
17 such 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) School personnel may not issue ~~A student may not be~~
26 ~~issued~~ a monetary fine, ~~or~~ fee, or municipal ticket for

1 school-based behavior as a disciplinary consequence, though
2 this shall not preclude requiring a student to provide
3 restitution for lost, stolen, or damaged property. This
4 subsection (i) does not modify school disciplinary responses
5 provided under this Section or Section 10-20.14 of this Code
6 that exist before the effective date of this amendatory Act of
7 the 103rd General Assembly or responses to alleged delinquent
8 or criminal conduct set forth in this Code, Article V of the
9 Juvenile Court Act of 1987, or the Criminal Code of 2012.

10 (j) Subsections (a) through (i) of this Section shall
11 apply to elementary and secondary schools, charter schools,
12 special charter districts, and school districts organized
13 under Article 34 of this Code.

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

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

26 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

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

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

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

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

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

21 Any suspension shall be reported immediately to the
22 parents or guardians of a pupil along with a full statement of
23 the reasons for such suspension and a notice of their right to
24 a review. The school board must be given a summary of the
25 notice, including the reason for the suspension and the
26 suspension length. Upon request of the parents or guardians,

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

22 (b-5) Among the many possible disciplinary interventions
23 and consequences available to school officials, school
24 exclusions, such as out-of-school suspensions and expulsions,
25 are the most serious. School officials shall limit the number
26 and duration of expulsions and suspensions to the greatest

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

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

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

21 (b-20) Unless otherwise required by this Code,
22 out-of-school suspensions of longer than 3 days, expulsions,
23 and disciplinary removals to alternative schools may be used
24 only if other appropriate and available behavioral and
25 disciplinary interventions have been exhausted and the
26 student's continuing presence in school would either (i) pose

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

20 (b-25) Students who are suspended out-of-school for longer
21 than 4 school days shall be provided appropriate and available
22 support services during the period of their suspension. For
23 purposes of this subsection (b-25), "appropriate and available
24 support services" shall be determined by school authorities.
25 Within the suspension decision described in subsection (b) of
26 this Section, it shall be documented whether such services are

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

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

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

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

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

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

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

26 (c) A school board must invite a representative from a

1 local mental health agency to consult with the board at the
2 meeting whenever there is evidence that mental illness may be
3 the cause of a student's expulsion or suspension.

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

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

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

1 under this subdivision (1) may be modified by the
2 superintendent, and the superintendent's determination may
3 be modified by the board on a case-by-case basis.

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

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

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

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

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

1 the law, local ordinance, or the school's policies or rules,
2 such evidence may be seized by school authorities, and
3 disciplinary action may be taken. School authorities may also
4 turn over such evidence to law enforcement authorities.

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

8 (g) A school district may adopt a policy providing that if
9 a student is suspended or expelled for any reason from any
10 public or private school in this or any other state, the
11 student must complete the entire term of the suspension or
12 expulsion in an alternative school program under Article 13A
13 of this Code or an alternative learning opportunities program
14 under Article 13B of this Code before being admitted into the
15 school district if there is no threat to the safety of students
16 or staff in the alternative program. A school district that
17 adopts a policy under this subsection (g) must include a
18 provision allowing for consideration of any mitigating
19 factors, including, but not limited to, a student's status as
20 a parent, expectant parent, or victim of domestic or sexual
21 violence, as defined in Article 26A.

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

25 (i) School personnel may not issue ~~A student may not be~~
26 ~~issued~~ a monetary fine, ~~or~~ fee, or municipal ticket for

1 school-based behavior as a disciplinary consequence, though
2 this shall not preclude requiring a student to provide
3 restitution for lost, stolen, or damaged property. This
4 subsection (i) does not modify school disciplinary responses
5 provided under this Section or Section 10-20.14 of this Code
6 that exist before the effective date of this amendatory Act of
7 the 103rd General Assembly or responses to alleged delinquent
8 or criminal conduct set forth in this Code, Article V of the
9 Juvenile Court Act of 1987, or the Criminal Code of 2012.

10 (j) Subsections (a) through (i) of this Section shall
11 apply to elementary and secondary schools, charter schools,
12 special charter districts, and school districts organized
13 under Article 34 of this Code.

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

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

26 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;

1 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

2 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

3 Sec. 26-12. Punitive action.

4 (a) No punitive action, including out-of-school
5 suspensions, expulsions, or court action, shall be taken
6 against truant minors for such truancy unless appropriate and
7 available supportive services and other school resources have
8 been provided to the student. Notwithstanding the provisions
9 of Section 10-22.6 of this Code, a truant minor may not be
10 expelled for nonattendance unless he or she has accrued 15
11 consecutive days of absences without valid cause and the
12 student cannot be located by the school district or the school
13 district has located the student but cannot, after exhausting
14 all available supportive services, compel the student to
15 return to school.

16 (b) School personnel ~~A school district~~ may not refer a
17 truant, chronic truant, or truant minor to any other local
18 public entity, as defined under Section 1-206 of the Local
19 Governmental and Governmental Employees Tort Immunity Act,
20 school resource officer, as defined under Section 10-20.68 of
21 this Code, or peace officer, as defined under Section 2-13 of
22 the Criminal Code of 2012, for that local public entity to
23 issue the child a fine or a fee as punishment for his or her
24 truancy.

25 (c) A school district may refer any person having custody

1 or control of a truant, chronic truant, or truant minor to any
2 other local public entity, as defined under Section 1-206 of
3 the Local Governmental and Governmental Employees Tort
4 Immunity Act, for that local public entity to issue the person
5 a fine or fee for the child's truancy only if the school
6 district's truant officer, regional office of education, or
7 intermediate service center has been notified of the truant
8 behavior and the school district, regional office of
9 education, or intermediate service center has offered all
10 appropriate and available supportive services and other school
11 resources to the child. Before a school district may refer a
12 person having custody or control of a child to a municipality,
13 as defined under Section 1-1-2 of the Illinois Municipal Code,
14 the school district must provide the following appropriate and
15 available services:

16 (1) For any child who is a homeless child, as defined
17 under Section 1-5 of the Education for Homeless Children
18 Act, a meeting between the child, the person having
19 custody or control of the child, relevant school
20 personnel, and a homeless liaison to discuss any barriers
21 to the child's attendance due to the child's transitional
22 living situation and to construct a plan that removes
23 these barriers.

24 (2) For any child with a documented disability, a
25 meeting between the child, the person having custody or
26 control of the child, and relevant school personnel to

1 review the child's current needs and address the
2 appropriateness of the child's placement and services. For
3 any child subject to Article 14 of this Code, this meeting
4 shall be an individualized education program meeting and
5 shall include relevant members of the individualized
6 education program team. For any child with a disability
7 under Section 504 of the federal Rehabilitation Act of
8 1973 (29 U.S.C. 794), this meeting shall be a Section 504
9 plan review and include relevant members of the Section
10 504 plan team.

11 (3) For any child currently being evaluated by a
12 school district for a disability or for whom the school
13 has a basis of knowledge that the child is a child with a
14 disability under 20 U.S.C. 1415(k)(5), the completion of
15 the evaluation and determination of the child's
16 eligibility for special education services.

17 (d) Before a school district may refer a person having
18 custody or control of a child to a local public entity under
19 this Section, the school district must document any
20 appropriate and available supportive services offered to the
21 child. In the event a meeting under this Section does not
22 occur, a school district must have documentation that it made
23 reasonable efforts to convene the meeting at a mutually
24 convenient time and date for the school district and the
25 person having custody or control of the child and, but for the
26 conduct of that person, the meeting would have occurred.

1 (Source: P.A. 100-810, eff. 1-1-19; 100-825, eff. 8-13-18;
2 101-81, eff. 7-12-19.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.