



Sen. Kimberly A. Lightford

Filed: 3/7/2024

10300SB1400sam002

LRB103 25975 RJT 70125 a

1 AMENDMENT TO SENATE BILL 1400

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1400 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing  
5 Sections 10-20.14 and 10-22.6 as follows:

6 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

7 Sec. 10-20.14. Student discipline policies; parent-teacher  
8 advisory committee.

9 (a) To establish and maintain a parent-teacher advisory  
10 committee to develop with the school board or governing body  
11 of a charter school policy guidelines on student ~~pupil~~  
12 discipline, including school searches and bullying prevention  
13 as set forth in Section 27-23.7 of this Code. School  
14 authorities shall furnish a copy of the policy to the parents  
15 or guardian of each student ~~pupil~~ within 15 days after the  
16 beginning of the school year, or within 15 days after starting

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

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

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

1 Code. The State Board of Education shall draft and publish  
2 guidance for the development of reciprocal reporting systems  
3 in accordance with this Section.

4 (c) The parent-teacher advisory committee, in cooperation  
5 with school bus personnel, shall develop, with the school  
6 board, policy guideline procedures to establish and maintain  
7 school bus safety procedures. These procedures shall be  
8 incorporated into the district's student ~~pupil~~ discipline  
9 policy. The State Board of Education shall draft and publish  
10 guidance for the development of school bus safety procedures  
11 in accordance with this Section.

12 (d) As used in this subsection (d), "evidence-based  
13 intervention" means intervention that has demonstrated a  
14 statistically significant effect on improving student outcomes  
15 as documented in peer-reviewed scholarly journals.

16 The school board, in consultation with the parent-teacher  
17 advisory committee and other community-based organizations,  
18 must include provisions in the student discipline policy to  
19 address students who have demonstrated behaviors that put them  
20 at risk for aggressive behavior, including without limitation  
21 bullying, as defined in the policy. These provisions must  
22 include procedures for notifying parents or legal guardians  
23 and early intervention procedures based upon available  
24 community-based and district resources.

25 The State Board of Education shall draft and publish  
26 guidance for evidence-based early intervention procedures,

1 including examples, in consultation with behavioral health  
2 experts and in accordance with this Section.

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

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

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

6 Sec. 10-22.6. Suspension or expulsion of students ~~pupils~~;  
7 school searches.

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

1 learning environment is in the best interest of the school.  
2 The expulsion decision shall also include a rationale as to  
3 the specific duration of the expulsion. An expelled student  
4 ~~pupil~~ may be immediately transferred to an alternative program  
5 in the manner provided in Article 13A or 13B of this Code. A  
6 student ~~pupil~~ must not be denied transfer because of the  
7 expulsion, except in cases in which such transfer is deemed to  
8 cause a threat to the safety of students or staff in the  
9 alternative program. Nothing in this subsection (a) precludes  
10 a suspension under subsection (b).

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

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

1 to cause a threat to the safety of students or school personnel  
2 ~~staff~~ in the alternative program.

3 (b-5) Among the many possible disciplinary interventions  
4 and consequences available to school officials, school  
5 exclusions, such as out-of-school suspensions and expulsions,  
6 are the most serious and should only be used when the student's  
7 presence poses a threat to the operation of the school, poses a  
8 threat to the health or safety of students or school  
9 personnel, or causes a disruption to other students' learning  
10 opportunities. ~~School officials shall limit the number and~~  
11 ~~duration of expulsions and suspensions to the greatest extent~~  
12 ~~practicable, and it is recommended that they use them only for~~  
13 ~~legitimate educational purposes.~~ To ensure that students are  
14 not excluded from school unnecessarily, it is recommended that  
15 school officials consider implementing proactive  
16 evidence-based interventions, as defined in subsection (d) of  
17 Section 10-20.14, that improve behavioral outcomes for all  
18 students. In addition, it is recommended that school officials  
19 consider forms of non-exclusionary discipline, if appropriate,  
20 prior to using out-of-school suspensions or expulsions. Forms  
21 of non-exclusionary discipline include, but are not limited  
22 to, in-school suspensions that allow students to continue  
23 academic instruction in an alternative environment,  
24 restorative practices, and small-group instruction on behavior  
25 management strategies.

26 (b-10) Unless otherwise required by federal law or this

1 Code, school boards may not institute zero-tolerance policies  
2 by which school administrators are required to suspend or  
3 expel students for particular behaviors.

4 (b-15) Out-of-school suspensions of 3 days or less may be  
5 used only if the student's conduct poses a threat to the  
6 operation of the school, poses a threat to the health or safety  
7 of students or school personnel, ~~continuing presence in school~~  
8 would pose a threat to school safety or causes a disruption to  
9 other students' learning opportunities. For purposes of this  
10 subsection (b-15), the school board or its designee shall be  
11 solely responsible for determining, ~~"threat to school safety~~  
12 or a disruption to other students' learning opportunities"  
13 shall be determined on a case-by-case basis, whether the  
14 student's conduct poses a threat to the operation of the  
15 school, poses a threat to the health or safety of students or  
16 school personnel, or causes a disruption to other students'  
17 learning opportunities ~~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 attempted ~~exhausted~~ and  
26 the student's conduct poses a threat to the operation of the



1 school, poses a threat to the health or safety of students or  
2 school personnel, or causes a disruption to other students'  
3 learning opportunities ~~continuing presence in school would~~  
4 ~~either (i) pose a threat to the safety of other students,~~  
5 ~~staff, or members of the school community or (ii)~~  
6 ~~substantially disrupt, impede, or interfere with the operation~~  
7 ~~of the school.~~ For purposes of this subsection (b-20), the  
8 determination of whether the student's conduct poses a threat  
9 to the operation of the school, poses a threat to the health or  
10 safety of students or school personnel, or causes a disruption  
11 to other students' learning opportunities ~~"threat to the~~  
12 ~~safety of other students, staff, or members of the school~~  
13 ~~community" and "substantially disrupt, impede, or interfere~~  
14 ~~with the operation of the school"~~ shall be made ~~determined~~ on a  
15 case-by-case basis and solely by school authorities ~~officials~~.  
16 For purposes of this subsection (b-20), the determination of  
17 whether ~~"appropriate and available behavioral and disciplinary~~  
18 ~~interventions have been attempted exhausted"~~ shall be made on  
19 a case-by-case basis and solely by school authorities  
20 ~~officials~~. School officials shall make ~~all~~ reasonable efforts  
21 to resolve such threats, address such disruptions, and  
22 minimize the length of student exclusions ~~to the greatest~~  
23 ~~extent practicable~~. Within the suspension decision described  
24 in subsection (b) of this Section or the expulsion decision  
25 described in subsection (a) of this Section, it shall be  
26 documented whether other interventions were attempted or

1 whether it was determined that there were no other appropriate  
2 and available interventions.

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

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

15 A school district shall create a policy to facilitate the  
16 re-engagement of students who are suspended out-of-school  
17 longer than 3 days, expelled, or returning from an alternative  
18 school setting.

19 The State Board of Education shall draft and publish  
20 guidance for the re-engagement of students who are suspended  
21 out-of-school, expelled, or returning from an alternative  
22 school setting in accordance with this Section and Section  
23 13A-4.

24 (b-30) A school district shall create a policy by which  
25 suspended students ~~pupils~~, including those students ~~pupils~~  
26 suspended from the school bus who do not have alternate

1 transportation to school, shall have the opportunity to make  
2 up work for equivalent academic credit. It shall be the  
3 responsibility of a student's ~~pupil's~~ parent or guardian to  
4 notify school officials that a student ~~pupil~~ suspended from  
5 the school bus does not have alternate transportation to  
6 school.

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

11 (c-5) A school district ~~School districts~~ shall make  
12 reasonable efforts to provide ongoing professional development  
13 to all school personnel ~~teachers, administrators,~~ school board  
14 members, and school resource officers, ~~and staff~~ on the  
15 requirements of this Section and Section 10-20.14, the adverse  
16 consequences of school exclusion and justice-system  
17 involvement, effective classroom management strategies,  
18 culturally responsive discipline, trauma-responsive learning  
19 environments, as defined in subsection (b) of Section 3-11,  
20 the appropriate and available supportive services for the  
21 promotion of student attendance and engagement, and  
22 developmentally appropriate disciplinary methods that promote  
23 positive and healthy school climates.

24 (d) The board may expel a student for a definite period of  
25 time not to exceed 2 calendar years, as determined on a  
26 case-by-case basis. A student who is determined to have

1 brought one of the following objects to school, any  
2 school-sponsored activity or event, or any activity or event  
3 that bears a reasonable relationship to school shall be  
4 expelled for a period of not less than one year:

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

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

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

1 Article 13A of the School Code.

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

19 (e) To maintain order and security in the schools, school  
20 authorities may inspect and search places and areas such as  
21 lockers, desks, parking lots, and other school property and  
22 equipment owned or controlled by the school, as well as  
23 personal effects left in those places and areas by students,  
24 without notice to or the consent of the student, and without a  
25 search warrant. As a matter of public policy, the General  
26 Assembly finds that students have no reasonable expectation of

1 privacy in these places and areas or in their personal effects  
2 left in these places and areas. School authorities may request  
3 the assistance of law enforcement officials for the purpose of  
4 conducting inspections and searches of lockers, desks, parking  
5 lots, and other school property and equipment owned or  
6 controlled by the school for illegal drugs, weapons, or other  
7 illegal or dangerous substances or materials, including  
8 searches conducted through the use of specially trained dogs.  
9 If a search conducted in accordance with this Section produces  
10 evidence that the student has violated or is violating either  
11 the law, local ordinance, or the school's policies or rules,  
12 such evidence may be seized by school authorities, and  
13 disciplinary action may be taken. School authorities may also  
14 turn over such evidence to law enforcement authorities.

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

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

1 (h) School officials shall not advise or encourage  
2 students to drop out voluntarily due to behavioral or academic  
3 difficulties.

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

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

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

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

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

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

2 Sec. 10-22.6. Suspension or expulsion of students ~~pupils~~;  
3 school searches.

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



1 Code. A student ~~pupil~~ must not be denied transfer because of  
2 the expulsion, except in cases in which such transfer is  
3 deemed to cause a threat to the safety of students or staff in  
4 the alternative program. Nothing in this subsection (a)  
5 precludes a suspension under subsection (b).

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

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

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

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

1 are the most serious and should only be used when the student's  
2 presence poses a threat to the operation of the school, poses a  
3 threat to the health or safety of students or school  
4 personnel, or causes a disruption to other students' learning  
5 opportunities. ~~School officials shall limit the number and~~  
6 ~~duration of expulsions and suspensions to the greatest extent~~  
7 ~~practicable, and it is recommended that they use them only for~~  
8 ~~legitimate educational purposes.~~ To ensure that students are  
9 not excluded from school unnecessarily, it is recommended that  
10 school officials consider implementing proactive  
11 evidence-based interventions, as defined in subsection (d) of  
12 Section 10-20.14, that improve behavioral outcomes for all  
13 students. In addition, it is recommended that school officials  
14 consider forms of non-exclusionary discipline, if appropriate,  
15 prior to using out-of-school suspensions or expulsions. Forms  
16 of non-exclusionary discipline include, but are not limited  
17 to, in-school suspensions that allow students to continue  
18 academic instruction in an alternative environment,  
19 restorative practices, and small-group instruction on behavior  
20 management strategies.

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

25 (b-15) Out-of-school suspensions of 3 days or less may be  
26 used only if the student's conduct poses a threat to the

1 operation of the school, poses a threat to the health or safety  
2 of students or school personnel, continuing presence in school  
3 ~~would pose a threat to school safety~~ or causes a disruption to  
4 other students' learning opportunities. For purposes of this  
5 subsection (b-15), the school board or its designee shall be  
6 solely responsible for determining, "threat to school safety  
7 or a disruption to other students' learning opportunities"  
8 ~~shall be determined~~ on a case-by-case basis, whether the  
9 student's conduct poses a threat to the operation of the  
10 school, poses a threat to the health or safety of students or  
11 school personnel, or causes a disruption to other students'  
12 learning opportunities ~~by the school board or its designee.~~  
13 School officials shall make ~~all~~ reasonable efforts to resolve  
14 such threats, address such disruptions, and minimize the  
15 length of suspensions ~~to the greatest extent practicable.~~

16 (b-20) Unless otherwise required by this Code,  
17 out-of-school suspensions of longer than 3 days, expulsions,  
18 and disciplinary removals to alternative schools may be used  
19 only if other appropriate and available behavioral and  
20 disciplinary interventions have been attempted ~~exhausted~~ and  
21 the student's conduct poses a threat to the operation of the  
22 school, poses a threat to the health or safety of students or  
23 school personnel, or causes a disruption to other students'  
24 learning opportunities ~~continuing presence in school would~~  
25 ~~either (i) pose a threat to the safety of other students,~~  
26 ~~staff, or members of the school community or (ii)~~

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

24 (b-25) Students who are suspended out-of-school for longer  
25 than 3 ~~4~~ school days shall be provided appropriate and  
26 available support services during the period of their

1 suspension. For purposes of this subsection (b-25),  
2 "appropriate and available support services" shall be  
3 determined solely by school authorities. Within the suspension  
4 decision described in subsection (b) of this Section, it shall  
5 be documented whether such services are to be provided or  
6 whether it was determined that there are no such appropriate  
7 and available services.

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

10 A school district shall create a policy to facilitate the  
11 re-engagement of students who are suspended out-of-school  
12 longer than 3 days, expelled, or returning from an alternative  
13 school setting.

14 The State Board of Education shall draft and publish  
15 guidance for the re-engagement of students who are suspended  
16 out-of-school, expelled, or returning from an alternative  
17 school setting in accordance with this Section and Section  
18 13A-4.

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

1 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) A school district ~~School districts~~ shall make  
17 reasonable efforts to provide ongoing professional development  
18 to all school personnel ~~teachers, administrators,~~ school board  
19 members, and school resource officers, ~~and staff~~ on the  
20 requirements of this Section and Section 10-20.14, the adverse  
21 consequences of school exclusion and justice-system  
22 involvement, effective classroom management strategies,  
23 culturally responsive discipline, trauma-responsive learning  
24 environments, as defined in subsection (b) of Section 3-11,  
25 the appropriate and available supportive services for the  
26 promotion of student attendance and engagement, and



1 developmentally appropriate disciplinary methods that promote  
2 positive and healthy school climates.

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

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

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

1 Expulsion or suspension shall be construed in a manner  
2 consistent with the federal Individuals with Disabilities  
3 Education Act. A student who is subject to suspension or  
4 expulsion as provided in this Section may be eligible for a  
5 transfer to an alternative school program in accordance with  
6 Article 13A of the School Code.

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

24 (e) To maintain order and security in the schools, school  
25 authorities may inspect and search places and areas such as  
26 lockers, desks, parking lots, and other school property and

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

20 (f) Suspension or expulsion may include suspension or  
21 expulsion from school and all school activities and a  
22 prohibition from being present on school grounds.

23 (g) A school district may adopt a policy providing that if  
24 a student is suspended or expelled for any reason from any  
25 public or private school in this or any other state, the  
26 student must complete the entire term of the suspension or

1 expulsion in an alternative school program under Article 13A  
2 of this Code or an alternative learning opportunities program  
3 under Article 13B of this Code before being admitted into the  
4 school district if there is no threat to the safety of students  
5 or staff in the alternative program. A school district that  
6 adopts a policy under this subsection (g) must include a  
7 provision allowing for consideration of any mitigating  
8 factors, including, but not limited to, a student's status as  
9 a parent, expectant parent, or victim of domestic or sexual  
10 violence, as defined in Article 26A.

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

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

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

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

26 (l) ~~An Beginning with the 2018 2019 school year, an~~

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

8 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
9 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."