



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2239

Introduced 2/10/2023, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

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

LRB103 28534 RJT 54915 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 parent or guardian to notify school officials that a pupil
2 suspended from the school bus does not have alternate
3 transportation to school.

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

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

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

25 (1) A firearm. For the purposes of this Section,
26 "firearm" means any gun, rifle, shotgun, weapon as defined

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

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

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

22 (d-5) The board may suspend or by regulation authorize the
23 superintendent of the district or the principal, assistant
24 principal, or dean of students of any school to suspend a
25 student for a period not to exceed 10 school days or may expel
26 a student for a definite period of time not to exceed 2

1 calendar years, as determined on a case-by-case basis, if (i)
2 that student has been determined to have made an explicit
3 threat on an Internet website against a school employee, a
4 student, or any school-related personnel, (ii) the Internet
5 website through which the threat was made is a site that was
6 accessible within the school at the time the threat was made or
7 was available to third parties who worked or studied within
8 the school grounds at the time the threat was made, and (iii)
9 the threat could be reasonably interpreted as threatening to
10 the safety and security of the threatened individual because
11 of his or her duties or employment status or status as a
12 student inside the school.

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

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

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

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

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

24 (i) A student may not be issued a monetary fine or fee as a
25 disciplinary consequence, though this shall not preclude
26 requiring a student to provide restitution for lost, stolen,

1 or damaged property.

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

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

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

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

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

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

23 (a) To expel pupils guilty of gross disobedience or
24 misconduct, including gross disobedience or misconduct
25 perpetuated by electronic means, pursuant to subsection (b-20)

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

25 (b) To suspend or by policy to authorize the
26 superintendent of the district or the principal, assistant

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

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

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

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

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

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 continuing presence in school would

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

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

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

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

1 that there are no such appropriate and available services.

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

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

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

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

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

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

25 (c) A school board must invite a representative from a
26 local mental health agency to consult with the board at the

1 meeting whenever there is evidence that mental illness may be
2 the cause of a student's expulsion or suspension.

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

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

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

1 superintendent, and the superintendent's determination may
2 be modified by the board on a case-by-case basis.

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

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

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

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

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

1 such evidence may be seized by school authorities, and
2 disciplinary action may be taken. School authorities may also
3 turn over such evidence to law enforcement authorities.

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

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

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

24 (i) A student may not be issued a monetary fine or fee as a
25 disciplinary consequence, though this shall not preclude
26 requiring a student to provide restitution for lost, stolen,

1 or damaged property.

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

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

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

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

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.