



Sen. Kimberly A. Lightford

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10400SB2423sam001

LRB104 10323 LNS 24020 a

1 AMENDMENT TO SENATE BILL 2423

2 AMENDMENT NO. _____. Amend Senate Bill 2423 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 2-3.25g, 2-3.71, 2-3.162, 10-22.6, 13B-20.25,
6 13B-20.30, and 13B-25.5 as follows:

7 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
8 Sec. 2-3.25g. Waiver or modification of mandates within
9 the School Code and administrative rules and regulations.

10 (a) In this Section:

11 "Board" means a school board or the governing board or
12 administrative district, as the case may be, for a joint
13 agreement.

14 "Eligible applicant" means a school district, joint
15 agreement made up of school districts, or regional
16 superintendent of schools on behalf of schools and

1 programs operated by the regional office of education.

2 "Implementation date" has the meaning set forth in
3 Section 24A-2.5 of this Code.

4 "State Board" means the State Board of Education.

5 (b) Notwithstanding any other provisions of this School
6 Code or any other law of this State to the contrary, eligible
7 applicants may petition the State Board of Education for the
8 waiver or modification of the mandates of this School Code or
9 of the administrative rules and regulations promulgated by the
10 State Board of Education. Waivers or modifications of
11 administrative rules and regulations and modifications of
12 mandates of this School Code may be requested when an eligible
13 applicant demonstrates that it can address the intent of the
14 rule or mandate in a more effective, efficient, or economical
15 manner or when necessary to stimulate innovation or improve
16 student performance. Waivers of mandates of the School Code
17 may be requested when the waivers are necessary to stimulate
18 innovation or improve student performance or when the
19 applicant demonstrates that it can address the intent of the
20 mandate of the School Code in a more effective, efficient, or
21 economical manner. Waivers may not be requested from laws,
22 rules, and regulations pertaining to special education,
23 teacher educator licensure, teacher tenure and seniority, or
24 Section 5-2.1 or 13B-20.30 of this Code or from compliance
25 with the Every Student Succeeds Act (Public Law 114-95).
26 Eligible applicants may not seek a waiver or seek a

1 modification of a mandate regarding the requirements for (i)
2 student performance data to be a significant factor in teacher
3 or principal evaluations or (ii) teachers and principals to be
4 rated using the 4 categories of "excellent", "proficient",
5 "needs improvement", or "unsatisfactory". On September 1,
6 2014, any previously authorized waiver or modification from
7 such requirements shall terminate.

8 (c) Eligible applicants, as a matter of inherent
9 managerial policy, and any Independent Authority established
10 under Section 2-3.25f-5 of this Code may submit an application
11 for a waiver or modification authorized under this Section.
12 Each application must include a written request by the
13 eligible applicant or Independent Authority and must
14 demonstrate that the intent of the mandate can be addressed in
15 a more effective, efficient, or economical manner or be based
16 upon a specific plan for improved student performance and
17 school improvement. Any eligible applicant requesting a waiver
18 or modification for the reason that intent of the mandate can
19 be addressed in a more economical manner shall include in the
20 application a fiscal analysis showing current expenditures on
21 the mandate and projected savings resulting from the waiver or
22 modification. Applications and plans developed by eligible
23 applicants must be approved by the board or regional
24 superintendent of schools applying on behalf of schools or
25 programs operated by the regional office of education
26 following a public hearing on the application and plan and the

1 opportunity for the board or regional superintendent to hear
2 testimony from staff directly involved in its implementation,
3 parents, and students. The time period for such testimony
4 shall be separate from the time period established by the
5 eligible applicant for public comment on other matters.

6 (c-5) If the applicant is a school district, then the
7 district shall post information that sets forth the time,
8 date, place, and general subject matter of the public hearing
9 on its Internet website at least 14 days prior to the hearing.
10 If the district is requesting to increase the fee charged for
11 driver education authorized pursuant to Section 27-24.2 of
12 this Code, the website information shall include the proposed
13 amount of the fee the district will request. All school
14 districts must publish a notice of the public hearing at least
15 7 days prior to the hearing in a newspaper of general
16 circulation within the school district that sets forth the
17 time, date, place, and general subject matter of the hearing.
18 Districts requesting to increase the fee charged for driver
19 education shall include in the published notice the proposed
20 amount of the fee the district will request. If the applicant
21 is a joint agreement or regional superintendent, then the
22 joint agreement or regional superintendent shall post
23 information that sets forth the time, date, place, and general
24 subject matter of the public hearing on its Internet website
25 at least 14 days prior to the hearing. If the joint agreement
26 or regional superintendent is requesting to increase the fee

1 charged for driver education authorized pursuant to Section
2 27-24.2 of this Code, the website information shall include
3 the proposed amount of the fee the applicant will request. All
4 joint agreements and regional superintendents must publish a
5 notice of the public hearing at least 7 days prior to the
6 hearing in a newspaper of general circulation in each school
7 district that is a member of the joint agreement or that is
8 served by the educational service region that sets forth the
9 time, date, place, and general subject matter of the hearing,
10 provided that a notice appearing in a newspaper generally
11 circulated in more than one school district shall be deemed to
12 fulfill this requirement with respect to all of the affected
13 districts. Joint agreements or regional superintendents
14 requesting to increase the fee charged for driver education
15 shall include in the published notice the proposed amount of
16 the fee the applicant will request. The eligible applicant
17 must notify either electronically or in writing the affected
18 exclusive collective bargaining agent and those State
19 legislators representing the eligible applicant's territory of
20 its intent to seek approval of a waiver or modification and of
21 the hearing to be held to take testimony from staff. The
22 affected exclusive collective bargaining agents shall be
23 notified of such public hearing at least 7 days prior to the
24 date of the hearing and shall be allowed to attend such public
25 hearing. The eligible applicant shall attest to compliance
26 with all of the notification and procedural requirements set

1 forth in this Section.

2 (d) A request for a waiver or modification of
3 administrative rules and regulations or for a modification of
4 mandates contained in this School Code shall be submitted to
5 the State Board of Education within 15 days after approval by
6 the board or regional superintendent of schools. The
7 application as submitted to the State Board of Education shall
8 include a description of the public hearing. Following receipt
9 of the waiver or modification request, the State Board shall
10 have 45 days to review the application and request. If the
11 State Board fails to disapprove the application within that
12 45-day period, the waiver or modification shall be deemed
13 granted. The State Board may disapprove any request if it is
14 not based upon sound educational practices, endangers the
15 health or safety of students or staff, compromises equal
16 opportunities for learning, or fails to demonstrate that the
17 intent of the rule or mandate can be addressed in a more
18 effective, efficient, or economical manner or have improved
19 student performance as a primary goal. Any request disapproved
20 by the State Board may be appealed to the General Assembly by
21 the eligible applicant as outlined in this Section.

22 A request for a waiver from mandates contained in this
23 School Code shall be submitted to the State Board within 15
24 days after approval by the board or regional superintendent of
25 schools. The application as submitted to the State Board of
26 Education shall include a description of the public hearing.

1 The description shall include, but need not be limited to, the
2 means of notice, the number of people in attendance, the
3 number of people who spoke as proponents or opponents of the
4 waiver, a brief description of their comments, and whether
5 there were any written statements submitted. The State Board
6 shall review the applications and requests for completeness
7 and shall compile the requests in reports to be filed with the
8 General Assembly. The State Board shall file reports outlining
9 the waivers requested by eligible applicants and appeals by
10 eligible applicants of requests disapproved by the State Board
11 with the Senate and the House of Representatives before each
12 March 1 and October 1.

13 The report shall be reviewed by a panel of 4 members
14 consisting of:

15 (1) the Speaker of the House of Representatives;

16 (2) the Minority Leader of the House of
17 Representatives;

18 (3) the President of the Senate; and

19 (4) the Minority Leader of the Senate.

20 The State Board of Education may provide the panel
21 recommendations on waiver requests. The members of the panel
22 shall review the report submitted by the State Board of
23 Education and submit to the State Board of Education any
24 notice of further consideration to any waiver request within
25 14 days after the member receives the report. If 3 or more of
26 the panel members submit a notice of further consideration to

1 any waiver request contained within the report, the State
2 Board of Education shall submit the waiver request to the
3 General Assembly for consideration. If less than 3 panel
4 members submit a notice of further consideration to a waiver
5 request, the waiver may be approved, denied, or modified by
6 the State Board. If the State Board does not act on a waiver
7 request within 10 days, then the waiver request is approved.
8 If the waiver request is denied by the State Board, it shall
9 submit the waiver request to the General Assembly for
10 consideration.

11 The General Assembly may disapprove any waiver request
12 submitted to the General Assembly pursuant to this subsection
13 (d) in whole or in part within 60 calendar days after each
14 house of the General Assembly next convenes after the waiver
15 request is submitted by adoption of a resolution by a record
16 vote of the majority of members elected in each house. If the
17 General Assembly fails to disapprove any waiver request or
18 appealed request within such 60-day period, the waiver or
19 modification shall be deemed granted. Any resolution adopted
20 by the General Assembly disapproving a report of the State
21 Board in whole or in part shall be binding on the State Board.

22 (e) An approved waiver or modification may remain in
23 effect for a period not to exceed 5 school years and may be
24 renewed upon application by the eligible applicant. However,
25 such waiver or modification may be changed within that 5-year
26 period by a board or regional superintendent of schools

1 applying on behalf of schools or programs operated by the
2 regional office of education following the procedure as set
3 forth in this Section for the initial waiver or modification
4 request. If neither the State Board of Education nor the
5 General Assembly disapproves, the change is deemed granted.

6 (f) (Blank).

7 (Source: P.A. 100-465, eff. 8-31-17; 100-782, eff. 1-1-19;
8 101-81, eff. 7-12-19.)

9 (105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)

10 Sec. 2-3.71. Grants for preschool educational programs.

11 (a) Preschool program.

12 (1) Through June 30, 2026, the State Board of
13 Education shall implement and administer a grant program
14 under the provisions of this subsection which shall
15 consist of grants to public school districts and other
16 eligible entities, as defined by the State Board of
17 Education, to conduct voluntary preschool educational
18 programs for children ages 3 to 5 which include a parent
19 education component. A public school district which
20 receives grants under this subsection may subcontract with
21 other entities that are eligible to conduct a preschool
22 educational program. These grants must be used to
23 supplement, not supplant, funds received from any other
24 source.

25 (1.5) On and after July 1, 2026, the Department of

1 Early Childhood shall implement and administer a grant
2 program for school districts and other eligible entities,
3 as defined by the Department, to conduct voluntary
4 preschool educational programs for children ages 3 to 5
5 which include a parent education component. A public
6 school district which receives grants under this
7 subsection may subcontract with other entities that are
8 eligible to conduct a preschool educational program. These
9 grants must be used to supplement, not supplant, funds
10 received from any other source.

11 (2) (Blank).

12 (3) Except as otherwise provided under this subsection
13 (a), any teacher of preschool children in the program
14 authorized by this subsection shall hold a Professional
15 Educator License with an early childhood education
16 endorsement.

17 (3.5) Beginning with the 2018-2019 school year and
18 until the 2028-2029 school year, an individual may teach
19 preschool children in an early childhood program under
20 this Section if he or she holds a Professional Educator
21 License with an early childhood education endorsement or
22 with short-term approval for early childhood education or
23 he or she pursues a Professional Educator License and
24 holds any of the following:

25 (A) An ECE Credential Level of 5 awarded by the
26 Department of Human Services under the Gateways to

1 Opportunity Program developed under Section 10-70 of
2 the Department of Human Services Act.

3 (B) An Educator License with Stipulations with a
4 transitional bilingual educator endorsement and he or
5 she has (i) passed an early childhood education
6 content test or (ii) completed no less than 9 semester
7 hours of postsecondary coursework in the area of early
8 childhood education.

9 (4) (Blank).

10 (4.5) Through June 30, 2026, the State Board of
11 Education shall provide the primary source of funding
12 through appropriations for the program. On and after July
13 1, 2026, the Department of Early Childhood shall provide
14 the primary source of funding through appropriations for
15 the program. Such funds shall be distributed to achieve a
16 goal of "Preschool for All Children" for the benefit of
17 all children whose families choose to participate in the
18 program. Based on available appropriations, newly funded
19 programs shall be selected through a process giving first
20 priority to qualified programs serving primarily at-risk
21 children and second priority to qualified programs serving
22 primarily children with a family income of less than 4
23 times the poverty guidelines updated periodically in the
24 Federal Register by the U.S. Department of Health and
25 Human Services under the authority of 42 U.S.C. 9902(2).
26 For purposes of this paragraph (4.5), at-risk children are

1 those who because of their home and community environment
2 are subject to such language, cultural, economic and like
3 disadvantages to cause them to have been determined as a
4 result of screening procedures to be at risk of academic
5 failure. Through June 30, 2026, such screening procedures
6 shall be based on criteria established by the State Board
7 of Education. On and after July 1, 2026, such screening
8 procedures shall be based on criteria established by the
9 Department of Early Childhood.

10 Except as otherwise provided in this paragraph (4.5),
11 grantees under the program must enter into a memorandum of
12 understanding with the appropriate local Head Start
13 agency. This memorandum must be entered into no later than
14 3 months after the award of a grantee's grant under the
15 program, except that, in the case of the 2009-2010 program
16 year, the memorandum must be entered into no later than
17 the deadline set by the State Board of Education for
18 applications to participate in the program in fiscal year
19 2011, and must address collaboration between the grantee's
20 program and the local Head Start agency on certain issues,
21 which shall include without limitation the following:

22 (A) educational activities, curricular objectives,
23 and instruction;

24 (B) public information dissemination and access to
25 programs for families contacting programs;

26 (C) service areas;

1 (D) selection priorities for eligible children to
2 be served by programs;

3 (E) maximizing the impact of federal and State
4 funding to benefit young children;

5 (F) staff training, including opportunities for
6 joint staff training;

7 (G) technical assistance;

8 (H) communication and parent outreach for smooth
9 transitions to kindergarten;

10 (I) provision and use of facilities,
11 transportation, and other program elements;

12 (J) facilitating each program's fulfillment of its
13 statutory and regulatory requirements;

14 (K) improving local planning and collaboration;
15 and

16 (L) providing comprehensive services for the
17 neediest Illinois children and families.

18 Through June 30, 2026, if the appropriate local Head Start
19 agency is unable or unwilling to enter into a memorandum
20 of understanding as required under this paragraph (4.5),
21 the memorandum of understanding requirement shall not
22 apply and the grantee under the program must notify the
23 State Board of Education in writing of the Head Start
24 agency's inability or unwillingness. The State Board of
25 Education shall compile all such written notices and make
26 them available to the public. On and after July 1, 2026, if

1 the appropriate local Head Start agency is unable or
2 unwilling to enter into a memorandum of understanding as
3 required under this paragraph (4.5), the memorandum of
4 understanding requirement shall not apply and the grantee
5 under the program must notify the Department of Early
6 Childhood in writing of the Head Start agency's inability
7 or unwillingness. The Department of Early Childhood shall
8 compile all such written notices and make them available
9 to the public.

10 (5) Through June 30, 2026, the State Board of
11 Education shall develop and provide evaluation tools,
12 including tests, that school districts and other eligible
13 entities may use to evaluate children for school readiness
14 prior to age 5. The State Board of Education shall require
15 school districts and other eligible entities to obtain
16 consent from the parents or guardians of children before
17 any evaluations are conducted. The State Board of
18 Education shall encourage local school districts and other
19 eligible entities to evaluate the population of preschool
20 children in their communities and provide preschool
21 programs, pursuant to this subsection, where appropriate.

22 (5.1) On and after July 1, 2026, the Department of
23 Early Childhood shall develop and provide evaluation
24 tools, including tests, that school districts and other
25 eligible entities may use to evaluate children for school
26 readiness prior to age 5. The Department of Early

1 Childhood shall require school districts and other
2 eligible entities to obtain consent from the parents or
3 guardians of children before any evaluations are
4 conducted. The Department of Early Childhood shall
5 encourage local school districts and other eligible
6 entities to evaluate the population of preschool children
7 in their communities and provide preschool programs,
8 pursuant to this subsection, where appropriate.

9 (6) Through June 30, 2026, the State Board of
10 Education shall report to the General Assembly by November
11 1, 2018 and every 2 years thereafter on the results and
12 progress of students who were enrolled in preschool
13 educational programs, including an assessment of which
14 programs have been most successful in promoting academic
15 excellence and alleviating academic failure. Through June
16 30, 2026, the State Board of Education shall assess the
17 academic progress of all students who have been enrolled
18 in preschool educational programs.

19 Through fiscal year 2026, on or before November 1 of
20 each fiscal year in which the General Assembly provides
21 funding for new programs under paragraph (4.5) of this
22 Section, the State Board of Education shall report to the
23 General Assembly on what percentage of new funding was
24 provided to programs serving primarily at-risk children,
25 what percentage of new funding was provided to programs
26 serving primarily children with a family income of less

1 than 4 times the federal poverty level, and what
2 percentage of new funding was provided to other programs.

3 (6.1) On and after July 1, 2026, the Department of
4 Early Childhood shall report to the General Assembly by
5 November 1, 2026 and every 2 years thereafter on the
6 results and progress of students who were enrolled in
7 preschool educational programs, including an assessment of
8 which programs have been most successful in promoting
9 academic excellence and alleviating academic failure. On
10 and after July 1, 2026, the Department of Early Childhood
11 shall assess the academic progress of all students who
12 have been enrolled in preschool educational programs.
13 Beginning in fiscal year 2027, on or before November 1 of
14 each fiscal year in which the General Assembly provides
15 funding for new programs under paragraph (4.5) of this
16 Section, the Department of Early Childhood shall report to
17 the General Assembly on what percentage of new funding was
18 provided to programs serving primarily at-risk children,
19 what percentage of new funding was provided to programs
20 serving primarily children with a family income of less
21 than 4 times the federal poverty level, and what
22 percentage of new funding was provided to other programs.

23 (7) Due to evidence that expulsion practices in the
24 preschool years are linked to poor child outcomes and are
25 employed inconsistently across racial and gender groups,
26 early childhood programs receiving State funds under this

1 subsection (a) shall prohibit expulsions. Planned
2 transitions to settings that are able to better meet a
3 child's needs are not considered expulsion under this
4 paragraph (7).

5 (A) When persistent and serious challenging
6 behaviors emerge, the early childhood program shall
7 document steps taken to ensure that the child can
8 participate safely in the program; including
9 observations of initial and ongoing challenging
10 behaviors, strategies for remediation and intervention
11 plans to address the behaviors, and communication with
12 the parent or legal guardian, including participation
13 of the parent or legal guardian in planning and
14 decision-making.

15 (B) The early childhood program shall, with
16 parental or legal guardian consent as required,
17 utilize a range of community resources, if available
18 and deemed necessary, including, but not limited to,
19 developmental screenings, referrals to programs and
20 services administered by a local educational agency or
21 early intervention agency under Parts B and C of the
22 federal Individual with Disabilities Education Act,
23 and consultation with infant and early childhood
24 mental health consultants and the child's health care
25 provider. The program shall document attempts to
26 engage these resources, including parent or legal

1 guardian participation and consent attempted and
2 obtained. Communication with the parent or legal
3 guardian shall take place in a culturally and
4 linguistically competent manner.

5 (C) If there is documented evidence that all
6 available interventions and supports recommended by a
7 qualified professional have been exhausted and the
8 program determines in its professional judgment that
9 transitioning a child to another program is necessary
10 for the well-being of the child or his or her peers and
11 staff, with parent or legal guardian permission, both
12 the current and pending programs shall create a
13 transition plan designed to ensure continuity of
14 services and the comprehensive development of the
15 child. Communication with families shall occur in a
16 culturally and linguistically competent manner.

17 (D) Nothing in this paragraph (7) shall preclude a
18 parent's or legal guardian's right to voluntarily
19 withdraw his or her child from an early childhood
20 program. Early childhood programs shall request and
21 keep on file, when received, a written statement from
22 the parent or legal guardian stating the reason for
23 his or her decision to withdraw his or her child.

24 (E) In the case of the determination of a serious
25 safety threat to a child or others or in the case of
26 behaviors listed in subsection (d) of Section 10-22.6

1 of this Code, the temporary removal of a child from
2 attendance in group settings may be used. Temporary
3 removal of a child from attendance in a group setting
4 shall trigger the process detailed in subparagraphs
5 (A), (B), and (C) of this paragraph (7), with the child
6 placed back in a group setting as quickly as possible.

7 (F) Early childhood programs may utilize and the
8 Department of Early Childhood, State Board of
9 Education, the Department of Human Services, and the
10 Department of Children and Family Services shall
11 recommend training, technical support, and
12 professional development resources to improve the
13 ability of teachers, administrators, program
14 directors, and other staff to promote social-emotional
15 development and behavioral health, to address
16 challenging behaviors, and to understand trauma and
17 trauma-informed care, cultural competence, family
18 engagement with diverse populations, the impact of
19 implicit bias on adult behavior, and the use of
20 reflective practice techniques. Support shall include
21 the availability of resources to contract with infant
22 and early childhood mental health consultants.

23 (G) Through June 30, 2026, early childhood
24 programs shall annually report to the State Board of
25 Education, and, beginning in fiscal year 2020, the
26 State Board of Education shall make available on a

1 biennial basis, in an existing report, all of the
2 following data for children from birth to age 5 who are
3 served by the program:

4 (i) Total number served over the course of the
5 program year and the total number of children who
6 left the program during the program year.

7 (ii) Number of planned transitions to another
8 program due to children's behavior, by children's
9 race, gender, disability, language, class/group
10 size, teacher-child ratio, and length of program
11 day.

12 (iii) Number of temporary removals of a child
13 from attendance in group settings due to a serious
14 safety threat under subparagraph (E) of this
15 paragraph (7), by children's race, gender,
16 disability, language, class/group size,
17 teacher-child ratio, and length of program day.

18 (iv) Hours of infant and early childhood
19 mental health consultant contact with program
20 leaders, staff, and families over the program
21 year.

22 (G-5) On and after July 1, 2026, early childhood
23 programs shall annually report to the Department of
24 Early Childhood, and beginning in fiscal year 2028,
25 the Department of Early Childhood shall make available
26 on a biennial basis, in a report, all of the following

1 data for children from birth to age 5 who are served by
2 the program:

3 (i) Total number served over the course of the
4 program year and the total number of children who
5 left the program during the program year.

6 (ii) Number of planned transitions to another
7 program due to children's behavior, by children's
8 race, gender, disability, language, class/group
9 size, teacher-child ratio, and length of program
10 day.

11 (iii) Number of temporary removals of a child
12 from attendance in group settings due to a serious
13 safety threat under subparagraph (E) of this
14 paragraph (7), by children's race, gender,
15 disability, language, class/group size,
16 teacher-child ratio, and length of program day.

17 (iv) Hours of infant and early childhood
18 mental health consultant contact with program
19 leaders, staff, and families over the program
20 year.

21 (H) Changes to services for children with an
22 individualized education program or individual family
23 service plan shall be construed in a manner consistent
24 with the federal Individuals with Disabilities
25 Education Act.

26 The Department of Early Childhood, in consultation

1 with the Department of Children and Family Services, shall
2 adopt rules to administer this paragraph (7).

3 (8) Due to evidence that suspension practices in the
4 preschool years are linked to poor child outcomes and are
5 employed inconsistently across racial and gender groups,
6 early childhood programs receiving State funds under this
7 subsection (a) shall restrict suspensions. Planned
8 transitions to settings that are able to better meet a
9 child's needs are not considered suspension under this
10 paragraph (8). In no case may the decision to suspend a
11 student in preschool for 3 or more days be made by anyone
12 other than the superintendent of the school district,
13 director of an early childhood program, or their
14 equivalent nor may the length of the suspension for any
15 student in preschool be for longer than the number of days
16 required by the school district or early childhood program
17 to develop and implement a behavior intervention plan or
18 safety plan.

19 (b) (Blank).

20 (c) Notwithstanding any other provisions of this Section,
21 grantees may serve children ages 0 to 12 of essential workers
22 if the Governor has declared a disaster due to a public health
23 emergency pursuant to Section 7 of the Illinois Emergency
24 Management Agency Act. For the purposes of this subsection,
25 essential workers include those outlined in Executive Order
26 20-8 and school employees. The State Board of Education shall

1 adopt rules to administer this subsection.

2 (d) Paragraphs (a) (1), (a) (1.5), (a) (4.5), (a) (5),
3 (a) (5.1), (a) (6), (a) (6.1), and (a) (7) and subsection (c) of
4 this Section are inoperative on and after July 1, 2026.

5 (Source: P.A. 103-111, eff. 6-29-23; 103-594, eff. 6-25-24.)

6 (105 ILCS 5/2-3.162)

7 Sec. 2-3.162. Student discipline report; school discipline
8 improvement plan.

9 (a) On or before October 31, 2015 and on or before October
10 31 of each subsequent year, the State Board of Education,
11 through the State Superintendent of Education, shall prepare a
12 report on student discipline in all school districts in this
13 State, including State-authorized charter schools. This report
14 shall include data from all public schools within school
15 districts, including district-authorized charter schools. This
16 report must be posted on the Internet website of the State
17 Board of Education. The report shall include data on the
18 issuance of out-of-school suspensions, expulsions, and
19 removals to alternative settings in lieu of another
20 disciplinary action, disaggregated by race and ethnicity,
21 gender, age, grade level, whether a student is an English
22 learner, incident type, and discipline duration. Such data
23 shall be reported to the State Board of Education annually by
24 all school districts in this State, including State-authorized
25 charter schools, in a form and manner as specified by the State

1 Board of Education, no later than July 31 for the previous
2 school year and by July 31 of each year thereafter.

3 (b) The State Board of Education shall analyze the data
4 under subsection (a) of this Section on an annual basis and
5 determine the top 20% of school districts for the following
6 metrics:

7 (1) Total number of out-of-school suspensions divided
8 by the total district enrollment by the last school day in
9 September for the year in which the data was collected,
10 multiplied by 100.

11 (2) Total number of out-of-school expulsions divided
12 by the total district enrollment by the last school day in
13 September for the year in which the data was collected,
14 multiplied by 100.

15 (3) Racial disproportionality, defined as the
16 overrepresentation of students of color or white students
17 in comparison to the total number of students of color or
18 white students on October 1st of the school year in which
19 data are collected, with respect to the use of
20 out-of-school suspensions and expulsions, which must be
21 calculated using the same method as the U.S. Department of
22 Education's Office for Civil Rights uses.

23 The analysis must be based on data collected over 3
24 consecutive school years, beginning with the 2014-2015 school
25 year.

26 Beginning with the 2017-2018 school year, the State Board

1 of Education shall require each of the school districts that
2 are identified in the top 20% of any of the metrics described
3 in this subsection (b) for 3 consecutive years to submit a plan
4 identifying the strategies the school district will implement
5 to reduce the use of exclusionary disciplinary practices or
6 racial disproportionality or both, if applicable. School
7 districts that no longer meet the criteria described in any of
8 the metrics described in this subsection (b) for 3 consecutive
9 years shall no longer be required to submit a plan.

10 This plan may be combined with any other improvement plans
11 required under federal or State law.

12 The calculation of the top 20% of any of the metrics
13 described in this subsection (b) shall exclude all school
14 districts, State-authorized charter schools, and special
15 charter districts that issued fewer than a total of 10
16 out-of-school suspensions or expulsions, whichever is
17 applicable, during the school year. The calculation of the top
18 20% of the metric described in subdivision (3) of this
19 subsection (b) shall exclude all school districts with an
20 enrollment of fewer than 50 white students or fewer than 50
21 students of color.

22 The plan must be approved at a public school board meeting
23 and posted on the school district's Internet website. Within
24 one year after being identified, the school district shall
25 submit to the State Board of Education and post on the
26 district's Internet website a progress report describing the

1 implementation of the plan and the results achieved.

2 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15;
3 100-863, eff. 8-14-18.)

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; school
7 searches.

8 (a) To expel students guilty of gross disobedience or
9 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 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 the written expulsion decision shall detail the specific
25 reasons why removing the student from the learning environment

1 is in the best interest of the school. The expulsion decision
2 shall also include a rationale as to the specific duration of
3 the expulsion. An expelled student may be immediately
4 transferred to an alternative program in the manner provided
5 in Article 13A or 13B of this Code. A student must not be
6 denied transfer because of the expulsion, except in cases in
7 which such transfer is deemed to cause a threat to the safety
8 of students or staff in the alternative program.

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

24 Any suspension shall be reported immediately to the
25 parents or guardian of a student along with a full statement of
26 the reasons for such suspension and a notice of their right to

1 a review. The school board must be given a summary of the
2 notice, including the reason for the suspension and the
3 suspension length. Upon request of the parents or guardian,
4 the school board or a hearing officer appointed by it shall
5 review such action of the superintendent or principal,
6 assistant principal, or dean of students. At such review, the
7 parents or guardian of the student may appear and discuss the
8 suspension with the board or its hearing officer. If a hearing
9 officer is appointed by the board, he shall report to the board
10 a written summary of the evidence heard at the meeting. After
11 its hearing or upon receipt of the written report of its
12 hearing 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.

19 (b-5) Among the many possible disciplinary interventions
20 and consequences available to school officials, school
21 exclusions, such as out-of-school suspensions and expulsions,
22 are the most serious. School officials shall limit the number
23 and duration of expulsions and suspensions to the greatest
24 extent practicable, and it is recommended that they use them
25 only for legitimate educational purposes. To ensure that
26 students are not excluded from school unnecessarily, it is

1 recommended that school officials consider forms of
2 non-exclusionary discipline prior to using out-of-school
3 suspensions or expulsions.

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

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

18 (b-20) Unless otherwise required by this Code,
19 out-of-school suspensions of longer than 3 days, expulsions,
20 and disciplinary removals to alternative schools may be used
21 only if other appropriate and available behavioral and
22 disciplinary interventions have been exhausted and the
23 student's continuing presence in school would either (i) pose
24 a threat to the safety of other students, staff, or members of
25 the school community or (ii) substantially disrupt, impede, or
26 interfere with the operation of the school. For purposes of

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

17 (b-25) Students who are suspended out-of-school for longer
18 than 3 school days shall be provided appropriate and available
19 support services during the period of their suspension. For
20 purposes of this subsection (b-25), "appropriate and available
21 support services" shall be determined by school authorities.
22 Within the suspension decision described in subsection (b) of
23 this Section, it shall be documented whether such services are
24 to be provided or whether it was determined that there are no
25 such appropriate and available services.

26 A school district may refer students who are expelled to

1 appropriate and available support services.

2 A school district shall create a policy to facilitate the
3 re-engagement of students who are suspended out-of-school,
4 expelled, or returning from an alternative school setting. In
5 consultation with stakeholders deemed appropriate by the State
6 Board of Education, the State Board of Education shall draft
7 and publish guidance for the re-engagement of students who are
8 suspended out-of-school, expelled, or returning from an
9 alternative school setting in accordance with this Section and
10 Section 13A-4 on or before July 1, 2025.

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

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

23 (c-5) School districts shall make reasonable efforts to
24 provide ongoing professional development to all school
25 personnel, school board members, and school resource officers,
26 on the requirements of this Section and Section 10-20.14, the

1 adverse consequences of school exclusion and justice-system
2 involvement, effective classroom management strategies,
3 culturally responsive discipline, trauma-responsive learning
4 environments, as defined in subsection (b) of Section 3-11,
5 the appropriate and available supportive services for the
6 promotion of student attendance and engagement, and
7 developmentally appropriate disciplinary methods that promote
8 positive and healthy school climates.

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

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

25 (2) A knife, brass knuckles or other knuckle weapon
26 regardless of its composition, a billy club, or any other

1 object if used or attempted to be used to cause bodily
2 harm, including "look alike" of any firearm as defined in
3 subdivision (1) of this subsection (d). The expulsion
4 requirement under this subdivision (2) may be modified by
5 the superintendent, and the superintendent's determination
6 may be modified by the board on a case-by-case basis.

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

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

1 the safety and security of the threatened individual because
2 of the individual's duties or employment status or status as a
3 student inside the school.

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

26 (f) Suspension or expulsion may include suspension or

1 expulsion from school and all school activities and a
2 prohibition from being present on school grounds.

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

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

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

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

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

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

8 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22;
9 103-594, eff. 6-25-24; 103-896, eff. 8-9-24; revised 9-25-24.)

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

11 Sec. 10-22.6. Suspension or expulsion of students; school
12 searches.

13 (a) To expel students in grades 3 through 12 or, if
14 required by the federal Gun-Free School Zones Act of 1990 or
15 State law, students in kindergarten through grade 2 guilty of
16 gross disobedience or misconduct, including gross disobedience
17 or misconduct perpetuated by electronic means, pursuant to
18 subsection (b-20) of this Section, and no action shall lie
19 against them for such expulsion. Unless otherwise required by
20 the federal Gun-Free School Zones Act of 1990 or State law, in
21 no case may a school board expel a student in kindergarten
22 through grade 2. Subject to this grade level restriction,
23 expulsion ~~Expulsion~~ shall take place only after the parents or
24 guardians have been requested to appear at a meeting of the
25 board, or with a hearing officer appointed by it, to discuss

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

21 (b) For students in grades 3 through 12, to ~~to~~ suspend or
22 by policy to authorize the superintendent of the district or
23 the principal, assistant principal, or dean of students of any
24 school to suspend students guilty of gross disobedience or
25 misconduct, or to suspend students guilty of gross
26 disobedience or misconduct on the school bus from riding the

1 school bus, pursuant to subsections (b-15) and (b-20) of this
2 Section, and no action shall lie against them for such
3 suspension. The board may by policy authorize the
4 superintendent of the district or the principal, assistant
5 principal, or dean of students of any school to suspend
6 students guilty of such acts for a period not to exceed 10
7 school days. If a student is suspended due to gross
8 disobedience or misconduct on a school bus, the board may
9 suspend the student in excess of 10 school days for safety
10 reasons. Notwithstanding anything to the contrary in this
11 Section, in no case may the decision to suspend a student in
12 kindergarten through grade 2 for 3 or more days be made by
13 anyone other than the superintendent of the district nor may
14 the length of the suspension for any student in kindergarten
15 through grade 2 be for longer than the number of days required
16 by the district to develop and implement a behavior
17 intervention plan or safety plan.

18 Any suspension shall be reported immediately to the
19 parents or guardians of a student along with a full statement
20 of the reasons for such suspension and a notice of their right
21 to a review. The school board must be given a summary of the
22 notice, including the reason for the suspension and the
23 suspension length. Upon request of the parents or guardians,
24 the school board or a hearing officer appointed by it shall
25 review such action of the superintendent or principal,
26 assistant principal, or dean of students. At such review, the

1 parents or guardians of the student may appear and discuss the
2 suspension with the board or its hearing officer. If a hearing
3 officer is appointed by the board, he shall report to the board
4 a written summary of the evidence heard at the meeting. After
5 its hearing or upon receipt of the written report of its
6 hearing officer, the board may take such action as it finds
7 appropriate. If a student is suspended pursuant to this
8 subsection (b), the board shall, in the written suspension
9 decision, detail the specific act of gross disobedience or
10 misconduct resulting in the decision to suspend. The
11 suspension decision shall also include a rationale as to the
12 specific duration of the suspension.

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

24 (b-10) Unless otherwise required by the federal Gun-Free
25 School Zones Act of 1990 or State law ~~federal law or this Code,~~
26 school boards may not institute zero-tolerance policies by

1 which school administrators are required to suspend or expel
2 students for particular behaviors.

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

13 (b-20) Unless otherwise required by this Code,
14 out-of-school suspensions of longer than 3 days, expulsions
15 for students in grades 3 through 12 or, if required by the
16 federal Gun-Free School Zones Act of 1990 or State law,
17 expulsions for students in kindergarten through grade 2, and
18 disciplinary removals to alternative schools for students who
19 meet the grade-level restrictions set forth in Articles 13A
20 and 13B may be used only if other appropriate and available
21 behavioral and disciplinary interventions have been exhausted
22 and the student's continuing presence in school would either
23 (i) pose a threat to the safety of other students, staff, or
24 members of the school community or (ii) substantially disrupt,
25 impede, or interfere with the operation of the school. For
26 purposes of this subsection (b-20), "threat to the safety of

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

16 (b-25) Students who are suspended out-of-school for longer
17 than 3 school days shall be provided appropriate and available
18 support services during the period of their suspension. For
19 purposes of this subsection (b-25), "appropriate and available
20 support services" shall be determined by school authorities.
21 Within the suspension decision described in subsection (b) of
22 this Section, it shall be documented whether such services are
23 to be provided or whether it was determined that there are no
24 such appropriate and available services.

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

1 A school district shall create a policy to facilitate the
2 re-engagement of students who are suspended out-of-school,
3 expelled, or returning from an alternative school setting. In
4 consultation with stakeholders deemed appropriate by the State
5 Board of Education, the State Board of Education shall draft
6 and publish guidance for the re-engagement of students who are
7 suspended out-of-school, expelled, or returning from an
8 alternative school setting in accordance with this Section and
9 Section 13A-4 on or before July 1, 2025.

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

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

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

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

1 board or its appointed hearing officer to the alleged victim.

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

6 (c-5) School districts shall make reasonable efforts to
7 provide ongoing professional development to all school
8 personnel, school board members, and school resource officers
9 on the requirements of this Section and Section 10-20.14, the
10 adverse consequences of school exclusion and justice-system
11 involvement, effective classroom management strategies,
12 culturally responsive discipline, trauma-responsive learning
13 environments, as defined in subsection (b) of Section 3-11,
14 the 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 in grades 3 through 12
19 or, if required by the federal Gun-Free School Zones Act of
20 1990 or State law, a student in kindergarten through grade 2
21 for a definite period of time not to exceed 2 calendar years,
22 as determined on a case-by-case basis. A student who is
23 determined to have brought one of the following objects to
24 school, any school-sponsored activity or event, or any
25 activity or event that bears a reasonable relationship to
26 school shall be expelled for a period of not less than one

1 year:

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

11 (2) For a student in grades 3 through 12, a ~~A~~ knife,
12 brass knuckles or other knuckle weapon regardless of its
13 composition, a billy club, or any other object if used or
14 attempted to be used to cause bodily harm, including "look
15 alike" of any firearm as defined in subdivision (1) of
16 this subsection (d). The expulsion requirement under this
17 subdivision (2) may be modified by the superintendent, and
18 the superintendent's determination may be modified by the
19 board on a case-by-case basis.

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

26 (d-5) For a student in grades 3 through 12, the ~~The~~ board

1 may suspend or by regulation authorize the superintendent of
2 the district or the principal, assistant principal, or dean of
3 students of any school to suspend or, for a student in
4 kindergarten through grade 2, the board may suspend or by
5 regulation authorize the superintendent of the district to
6 suspend a student for a period not to exceed 10 school days or
7 may expel a student in grades 3 through 12 or, if required by
8 the federal Gun-Free School Zones Act of 1990 or State law, a
9 student in kindergarten through grade 2 for a definite period
10 of time not to exceed 2 calendar years, as determined on a
11 case-by-case basis, if (i) that student has been determined to
12 have made an explicit threat on an Internet website against a
13 school employee, a student, or any school-related personnel,
14 (ii) the Internet website through which the threat was made is
15 a site that was accessible within the school at the time the
16 threat was made or was available to third parties who worked or
17 studied within the school grounds at the time the threat was
18 made, and (iii) the threat could be reasonably interpreted as
19 threatening to the safety and security of the threatened
20 individual because of the individual's duties or employment
21 status or status as a student inside the school.

22 (e) To maintain order and security in the schools, school
23 authorities may inspect and search places and areas such as
24 lockers, desks, parking lots, and other school property and
25 equipment owned or controlled by the school, as well as
26 personal effects left in those places and areas by students,

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

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

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

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

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

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

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

20 (k) Through June 30, 2026, the expulsion of students
21 enrolled in programs funded under Section 1C-2 of this Code is
22 subject to the requirements under paragraph (7) of subsection
23 (a) of Section 2-3.71 of this Code and the suspension of
24 students enrolled in programs funded under Section 1C-2 of
25 this Code is subject to the requirements under paragraph (8)
26 of subsection (a) of Section 2-3.71 of this Code.

1 (k-5) On and after July 1, 2026, the expulsion of children
2 enrolled in programs funded under Section 15-25 of the
3 Department of Early Childhood Act is subject to the
4 requirements of paragraph (7) of subsection (a) of Section
5 15-30 of the Department of Early Childhood Act and the
6 suspension of students enrolled in programs funded under
7 Section 15-25 of the Department of Early Childhood Act is
8 subject to the requirements under paragraph (8) of subsection
9 (a) of Section 15-30 of the Department of Early Childhood Act.

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

17 (Source: P.A. 102-466, eff. 7-1-25; 102-539, eff. 8-20-21;
18 102-813, eff. 5-13-22; 103-594, eff. 6-25-24; 103-896, eff.
19 8-9-24; revised 9-25-24.)

20 (105 ILCS 5/13B-20.25)

21 Sec. 13B-20.25. Eligible students. Students in
22 kindergarten ~~grades 4~~ through grade 12 who meet enrollment
23 criteria established by the school district and who meet the
24 definition of "student at risk of academic failure" are
25 eligible to participate in an alternative learning

1 opportunities program funded under this Article.
2 Notwithstanding any other provision of law to the contrary,
3 enrollment in a charter alternative learning opportunities
4 program shall be open to any student ~~pupil~~ who has been
5 expelled or suspended for more than 20 days under Section
6 10-22.6 or 34-19 of this Code. All rights granted under this
7 Article to a student's parent or guardian become exclusively
8 those of the student upon the student's 18th birthday.

9 (Source: P.A. 97-495, eff. 1-1-12.)

10 (105 ILCS 5/13B-20.30)

11 Sec. 13B-20.30. Location of program. A school district
12 must consider offering an alternative learning opportunities
13 program on-site in the regular school. An alternative learning
14 opportunities program may be provided at facilities separate
15 from the regular school or in classrooms elsewhere on school
16 premises; however, in no instance shall a student in
17 kindergarten through grade 5 who is enrolled in an alternative
18 learning opportunities program participate in that program or
19 receive services outside of the student's home school. A
20 school district is encouraged to ensure that the educational
21 support and other services are provided to the student as part
22 of the student's activities in the classroom to which the
23 student is originally assigned, unless the nature of the
24 services dictate otherwise.

25 (Source: P.A. 92-42, eff. 1-1-02.)

1 (105 ILCS 5/13B-25.5)

2 Sec. 13B-25.5. General standards for eligibility for
3 funding. To be eligible for funding, an alternative learning
4 opportunities program must provide evidence of an
5 administrative structure, program activities, program staff, a
6 budget, and a specific curriculum that is consistent with
7 Illinois Learning Standards but may be different from the
8 regular school program in terms of location, subject to the
9 limitations set forth in Section 13B-20.30, length of school
10 day, program sequence, pace, instructional activities, or any
11 combination of these.

12 (Source: P.A. 92-42, eff. 1-1-02.)

13 Section 10. The Department of Early Childhood Act is
14 amended by changing Section 15-30 as follows:

15 (325 ILCS 3/15-30)

16 Sec. 15-30. Grants for preschool educational programs.

17 (a) Preschool program.

18 (1) Through June 30, 2026, The State Board of
19 Education shall implement and administer a grant program
20 to conduct voluntary preschool educational programs for
21 children ages 3 to 5, which include a parent education
22 component, pursuant to Section 2-3.71 of the School Code.

23 (2) On and after July 1, 2026, the Department of Early

1 Childhood shall implement and administer a grant program
2 for school districts and other eligible entities, as
3 defined by the Department, to conduct voluntary preschool
4 educational programs for children ages 3 to 5 which
5 include a parent education component. A public school
6 district which receives grants under this subsection may
7 subcontract with other entities that are eligible to
8 conduct a preschool educational program. These grants must
9 be used to supplement, not supplant, funds received from
10 any other source.

11 (3) Except as otherwise provided under this subsection
12 (a), any teacher of preschool children in the program
13 authorized by this subsection shall hold a Professional
14 Educator License with an early childhood education
15 endorsement.

16 (3.5) Beginning with the 2018-2019 school year and
17 until the 2028-2029 school year, an individual may teach
18 preschool children in an early childhood program under
19 this Section if he or she holds a Professional Educator
20 License with an early childhood education endorsement or
21 with short-term approval for early childhood education or
22 he or she pursues a Professional Educator License and
23 holds any of the following:

24 (A) An ECE Credential Level of 5 awarded by the
25 Department of Human Services under the Gateways to
26 Opportunity Program developed under Section 10-70 of

1 the Department of Human Services Act.

2 (B) An Educator License with Stipulations with a
3 transitional bilingual educator endorsement and he or
4 she has (i) passed an early childhood education
5 content test or (ii) completed no less than 9 semester
6 hours of postsecondary coursework in the area of early
7 childhood education.

8 (4) Through June 30, 2026, the State Board of
9 Education shall provide the primary source of funding
10 through appropriations for the program. On and after July
11 1, 2026, the Department of Early Childhood shall provide
12 the primary source of funding through appropriations for
13 the program. Such funds shall be distributed to achieve a
14 goal of "Preschool for All Children" for the benefit of
15 all children whose families choose to participate in the
16 program. Based on available appropriations, newly funded
17 programs shall be selected through a process giving first
18 priority to qualified programs serving primarily at-risk
19 children and second priority to qualified programs serving
20 primarily children with a family income of less than 4
21 times the poverty guidelines updated periodically in the
22 Federal Register by the U.S. Department of Health and
23 Human Services under the authority of 42 U.S.C. 9902(2).
24 For purposes of this paragraph (4), at-risk children are
25 those who because of their home and community environment
26 are subject to such language, cultural, economic and like

1 disadvantages to cause them to have been determined as a
2 result of screening procedures to be at risk of academic
3 failure. Through June 30, 2026, such screening procedures
4 shall be based on criteria established by the State Board
5 of Education. On and after July 1, 2026, such screening
6 procedures shall be based on criteria established by the
7 Department of Early Childhood. Except as otherwise
8 provided in this paragraph (4), grantees under the program
9 must enter into a memorandum of understanding with the
10 appropriate local Head Start agency. This memorandum must
11 be entered into no later than 3 months after the award of a
12 grantee's grant under the program and must address
13 collaboration between the grantee's program and the local
14 Head Start agency on certain issues, which shall include
15 without limitation the following:

16 (A) educational activities, curricular objectives,
17 and instruction;

18 (B) public information dissemination and access to
19 programs for families contacting programs;

20 (C) service areas;

21 (D) selection priorities for eligible children to
22 be served by programs;

23 (E) maximizing the impact of federal and State
24 funding to benefit young children;

25 (F) staff training, including opportunities for
26 joint staff training;

1 (G) technical assistance;

2 (H) communication and parent outreach for smooth
3 transitions to kindergarten;

4 (I) provision and use of facilities,
5 transportation, and other program elements;

6 (J) facilitating each program's fulfillment of its
7 statutory and regulatory requirements;

8 (K) improving local planning and collaboration;
9 and

10 (L) providing comprehensive services for the
11 neediest Illinois children and families. Through June
12 30, 2026, if the appropriate local Head Start agency
13 is unable or unwilling to enter into a memorandum of
14 understanding as required under this paragraph (4),
15 the memorandum of understanding requirement shall not
16 apply and the grantee under the program must notify
17 the State Board of Education in writing of the Head
18 Start agency's inability or unwillingness. Through
19 June 30, 2026, the State Board of Education shall
20 compile all such written notices and make them
21 available to the public. On and after July 1, 2026, if
22 the appropriate local Head Start agency is unable or
23 unwilling to enter into a memorandum of understanding
24 as required under this paragraph (4), the memorandum
25 of understanding requirement shall not apply and the
26 grantee under the program must notify the Department

1 of Early Childhood in writing of the Head Start
2 agency's inability or unwillingness. The Department of
3 Early Childhood shall compile all such written notices
4 and make them available to the public.

5 (5) Through June 30, 2026, the State Board of
6 Education shall develop and provide evaluation tools,
7 including tests, that school districts and other eligible
8 entities may use to evaluate children for school readiness
9 prior to age 5. The State Board of Education shall require
10 school districts and other eligible entities to obtain
11 consent from the parents or guardians of children before
12 any evaluations are conducted. The State Board of
13 Education shall encourage local school districts and other
14 eligible entities to evaluate the population of preschool
15 children in their communities and provide preschool
16 programs, pursuant to this subsection, where appropriate.

17 (5.1) On and after July 1, 2026, the Department of
18 Early Childhood shall develop and provide evaluation
19 tools, including tests, that school districts and other
20 eligible entities may use to evaluate children for school
21 readiness prior to age 5. The Department of Early
22 Childhood shall require school districts and other
23 eligible entities to obtain consent from the parents or
24 guardians of children before any evaluations are
25 conducted. The Department of Early Childhood shall
26 encourage local school districts and other eligible

1 entities to evaluate the population of preschool children
2 in their communities and provide preschool programs,
3 pursuant to this subsection, where appropriate.

4 (6) Through June 30, 2026, the State Board of
5 Education shall report to the General Assembly by November
6 1, 2018 and every 2 years thereafter on the results and
7 progress of students who were enrolled in preschool
8 educational programs, including an assessment of which
9 programs have been most successful in promoting academic
10 excellence and alleviating academic failure. Through June
11 30, 2026, the State Board of Education shall assess the
12 academic progress of all students who have been enrolled
13 in preschool educational programs. Through Fiscal Year
14 2026, on or before November 1 of each fiscal year in which
15 the General Assembly provides funding for new programs
16 under paragraph (4) of this Section, the State Board of
17 Education shall report to the General Assembly on what
18 percentage of new funding was provided to programs serving
19 primarily at-risk children, what percentage of new funding
20 was provided to programs serving primarily children with a
21 family income of less than 4 times the federal poverty
22 level, and what percentage of new funding was provided to
23 other programs.

24 (6.1) On and after July 1, 2026, the Department of
25 Early Childhood shall report to the General Assembly by
26 November 1, 2026 and every 2 years thereafter on the

1 results and progress of students who were enrolled in
2 preschool educational programs, including an assessment of
3 which programs have been most successful in promoting
4 academic excellence and alleviating academic failure. On
5 and after July 1, 2026, the Department of Early Childhood
6 shall assess the academic progress of all students who
7 have been enrolled in preschool educational programs.
8 Beginning in Fiscal Year 2027, on or before November 1 of
9 each fiscal year in which the General Assembly provides
10 funding for new programs under paragraph (4) of this
11 Section, the Department of Early Childhood shall report to
12 the General Assembly on what percentage of new funding was
13 provided to programs serving primarily at-risk children,
14 what percentage of new funding was provided to programs
15 serving primarily children with a family income of less
16 than 4 times the federal poverty level, and what
17 percentage of new funding was provided to other programs.

18 (7) Due to evidence that expulsion practices in the
19 preschool years are linked to poor child outcomes and are
20 employed inconsistently across racial and gender groups,
21 early childhood programs receiving State funds under this
22 subsection (a) shall prohibit expulsions. Planned
23 transitions to settings that are able to better meet a
24 child's needs are not considered expulsion under this
25 paragraph (7).

26 (A) When persistent and serious challenging

1 behaviors emerge, the early childhood program shall
2 document steps taken to ensure that the child can
3 participate safely in the program; including
4 observations of initial and ongoing challenging
5 behaviors, strategies for remediation and intervention
6 plans to address the behaviors, and communication with
7 the parent or legal guardian, including participation
8 of the parent or legal guardian in planning and
9 decision-making.

10 (B) The early childhood program shall, with
11 parental or legal guardian consent as required, use a
12 range of community resources, if available and deemed
13 necessary, including, but not limited to,
14 developmental screenings, referrals to programs and
15 services administered by a local educational agency or
16 early intervention agency under Parts B and C of the
17 federal Individual with Disabilities Education Act,
18 and consultation with infant and early childhood
19 mental health consultants and the child's health care
20 provider. The program shall document attempts to
21 engage these resources, including parent or legal
22 guardian participation and consent attempted and
23 obtained. Communication with the parent or legal
24 guardian shall take place in a culturally and
25 linguistically competent manner.

26 (C) If there is documented evidence that all

1 available interventions and supports recommended by a
2 qualified professional have been exhausted and the
3 program determines in its professional judgment that
4 transitioning a child to another program is necessary
5 for the well-being of the child or his or her peers and
6 staff, with parent or legal guardian permission, both
7 the current and pending programs shall create a
8 transition plan designed to ensure continuity of
9 services and the comprehensive development of the
10 child. Communication with families shall occur in a
11 culturally and linguistically competent manner.

12 (D) Nothing in this paragraph (7) shall preclude a
13 parent's or legal guardian's right to voluntarily
14 withdraw his or her child from an early childhood
15 program. Early childhood programs shall request and
16 keep on file, when received, a written statement from
17 the parent or legal guardian stating the reason for
18 his or her decision to withdraw his or her child.

19 (E) In the case of the determination of a serious
20 safety threat to a child or others or in the case of
21 behaviors listed in subsection (d) of Section 10-22.6
22 of the School Code, the temporary removal of a child
23 from attendance in group settings may be used.
24 Temporary removal of a child from attendance in a
25 group setting shall trigger the process detailed in
26 subparagraphs (A), (B), and (C) of this paragraph (7),

1 with the child placed back in a group setting as
2 quickly as possible.

3 (F) Early childhood programs may use and the
4 Department of Early Childhood, State Board of
5 Education, the Department of Human Services, and the
6 Department of Children and Family Services shall
7 recommend training, technical support, and
8 professional development resources to improve the
9 ability of teachers, administrators, program
10 directors, and other staff to promote social-emotional
11 development and behavioral health, to address
12 challenging behaviors, and to understand trauma and
13 trauma-informed care, cultural competence, family
14 engagement with diverse populations, the impact of
15 implicit bias on adult behavior, and the use of
16 reflective practice techniques. Support shall include
17 the availability of resources to contract with infant
18 and early childhood mental health consultants.

19 (G) Through June 30, 2026, early childhood
20 programs shall annually report to the State Board of
21 Education, and, beginning in Fiscal Year 2020, the
22 State Board of Education shall make available on a
23 biennial basis, in an existing report, all of the
24 following data for children from birth to age 5 who are
25 served by the program:

26 (i) Total number served over the course of the

1 program year and the total number of children who
2 left the program during the program year.

3 (ii) Number of planned transitions to another
4 program due to children's behavior, by children's
5 race, gender, disability, language, class/group
6 size, teacher-child ratio, and length of program
7 day.

8 (iii) Number of temporary removals of a child
9 from attendance in group settings due to a serious
10 safety threat under subparagraph (E) of this
11 paragraph (7), by children's race, gender,
12 disability, language, class/group size,
13 teacher-child ratio, and length of program day.

14 (iv) Hours of infant and early childhood
15 mental health consultant contact with program
16 leaders, staff, and families over the program
17 year.

18 (G-5) On and after July 1, 2026, early childhood
19 programs shall annually report to the Department of
20 Early Childhood, and beginning in Fiscal Year 2028,
21 the Department of Early Childhood shall make available
22 on a biennial basis, in a report, all of the following
23 data for children from birth to age 5 who are served by
24 the program:

25 (i) Total number served over the course of the
26 program year and the total number of children who

1 left the program during the program year.

2 (ii) Number of planned transitions to another
3 program due to children's behavior, by children's
4 race, gender, disability, language, class/group
5 size, teacher-child ratio, and length of program
6 day.

7 (iii) Number of temporary removals of a child
8 from attendance in group settings due to a serious
9 safety threat under subparagraph (E) of this
10 paragraph (7), by children's race, gender,
11 disability, language, class/group size,
12 teacher-child ratio, and length of program day.

13 (iv) Hours of infant and early childhood
14 mental health consultant contact with program
15 leaders, staff, and families over the program
16 year.

17 (H) Changes to services for children with an
18 individualized education program or individual family
19 service plan shall be construed in a manner consistent
20 with the federal Individuals with Disabilities
21 Education Act.

22 The Department of Early Childhood, in consultation
23 with the Department of Children and Family Services, shall
24 adopt rules to administer this paragraph (7).

25 (8) Due to evidence that suspension practices in the
26 preschool years are linked to poor child outcomes and are

1 employed inconsistently across racial and gender groups,
2 early childhood programs receiving State funds under this
3 subsection (a) shall restrict suspensions. Planned
4 transitions to settings that are able to better meet a
5 child's needs are not considered suspension under this
6 paragraph (8). In no case may the decision to suspend a
7 student in preschool for 3 or more days be made by anyone
8 other than the superintendent of the school district,
9 director of an early childhood program, or their
10 equivalent nor may the length of the suspension for any
11 student in preschool be for longer than the number of days
12 required by the school district or early childhood program
13 to develop and implement a behavior intervention plan or
14 safety plan.

15 (b) Notwithstanding any other provisions of this Section,
16 grantees may serve children ages 0 to 12 of essential workers
17 if the Governor has declared a disaster due to a public health
18 emergency pursuant to Section 7 of the Illinois Emergency
19 Management Agency Act. The Department of Early Childhood may
20 adopt rules to administer this subsection.

21 (Source: P.A. 103-594, eff. 6-25-24.)

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

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