



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4208

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.162
105 ILCS 5/2-3.173 new

Amends the School Code. With respect to school discipline improvement plans, makes changes to how the State Board of Education determines the top 20% of school districts, when notification is given that a plan must be submitted, which school districts are required to submit a plan, the timeframe for school board approval of a plan and submission of that plan to the State Board, and when additional annual progress reports are required. Establishes the Safe Schools and Healthy Learning Environments Program and grants under the program. Sets forth requirements for grant applicants and provisions for the distribution of funds appropriated for the program. Requires the State Board of Education to issue a yearly report on the results of the program in cooperation with school districts participating in the program. Provides that the State Board may adopt rules necessary for the program. Effective July 1, 2018.

LRB100 16263 AXK 31386 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 2-3.162 and by adding Section 2-3.173 as follows:

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.

23 (b) The State Board of Education shall analyze the data

1 under subsection (a) of this Section on an annual basis and
2 determine the top 20% of school districts qualifying under any
3 of ~~for~~ the following metrics:

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

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

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

20 ~~The analysis must be based on data collected over 3~~
21 ~~consecutive school years, beginning with the 2014-2015 school~~
22 ~~year.~~

23 (c) On or before October 31, 2018 and on or before October
24 31 of each subsequent year, the State Board of Education shall
25 notify each school district ~~Beginning with the 2017-2018 school~~
26 ~~year, the State Board of Education shall require each of the~~

1 ~~school districts that are~~ identified in the top 20% of any of
2 the metrics described in ~~this~~ subsection (b) of this Section
3 for 3 consecutive school years that the school district must
4 submit a plan in conformance with subsection (d) of this
5 Section.

6 (d) School districts identified in the top 20% of any of
7 the metrics described in subsection (b) of this Section for 3
8 consecutive school years must, in a manner prescribed by the
9 State Board of Education, submit a plan to the State Board of
10 Education that identifies ~~to submit a plan identifying the~~
11 strategies the school district will implement to reduce the use
12 of exclusionary disciplinary practices or racial
13 disproportionality or both, if applicable. ~~School districts~~
14 ~~that no longer meet the criteria described in any of the~~
15 ~~metrics described in this subsection (b) for 3 consecutive~~
16 ~~years shall no longer be required to submit a plan.~~

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

19 The plan must be approved at a public school board meeting
20 no later than 90 days after notification from the State Board
21 of Education pursuant to subsection (c) of this Section and
22 must be posted on the school district's Internet website.
23 Within one calendar year after the school board's approval of
24 the plan, the school district shall submit to the State Board
25 of Education, in a manner prescribed by the State Board of
26 Education, and post on the district's Internet website a

1 progress report describing the implementation of the plan and
2 the results achieved. Additional annual progress reports shall
3 be required until a school district no longer meets the
4 criteria in any of the metrics described in subsection (b) of
5 this Section for 3 consecutive school years.

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

16 ~~The plan must be approved at a public school board meeting~~
17 ~~and posted on the school district's Internet website. Within~~
18 ~~one year after being identified, the school district shall~~
19 ~~submit to the State Board of Education and post on the~~
20 ~~district's Internet website a progress report describing the~~
21 ~~implementation of the plan and the results achieved.~~

22 (Source: P.A. 98-1102, eff. 8-26-14; 99-30, eff. 7-10-15;
23 99-78, eff. 7-20-15; revised 9-25-17.)

24 (105 ILCS 5/2-3.173 new)

25 Sec. 2-3.173. Safe Schools and Healthy Learning

1 Environments Program.

2 (a) The General Assembly recognizes that (i) many K-12
3 students around the State are arrested in school and sent into
4 the justice system, often for minor offenses that do not pose a
5 serious threat to school safety; (ii) many schools across the
6 State have become overly reliant on law enforcement personnel
7 to handle routine school disciplinary matters; (iii) many
8 student behaviors that result in arrest in some schools are
9 addressed without involving the justice system in others; (iv)
10 the overcriminalization of K-12 students has had significant
11 negative consequences for students, families, and entire
12 communities; (v) these dynamics, known as the
13 "school-to-prison pipeline", have disproportionately affected
14 students of color; (vi) these practices impose substantial
15 economic costs on both localities and the State overall; (vii)
16 the use of school-based law enforcement has not been proven
17 effective as a strategy to promote safe and productive schools;
18 and (viii) eliminating unnecessary school-based arrests and
19 law enforcement presence in school while promoting the use of
20 developmentally appropriate alternatives will protect school
21 safety, improve school climate, raise academic achievement,
22 and save taxpayer dollars.

23 (b) The State Board of Education, subject to appropriation,
24 is authorized to award competitive grants on an annual basis
25 under a Safe Schools and Healthy Learning Environments Program.
26 Under this program, selected school districts must reallocate

1 funding for school-based law enforcement personnel in some or
2 all of their schools to other evidence-based and promising
3 practices designed to promote school safety and healthy
4 learning environments, including, but not limited to,
5 restorative justice programs; increased use of school
6 psychologists, social workers, and other mental and behavioral
7 health specialists; drug and alcohol treatment services;
8 wraparound services for youth; and training for school staff on
9 conflict resolution techniques and other disciplinary
10 alternatives. For purposes of this subsection (b), "promising
11 practices" means practices that present, based on preliminary
12 information, potential for becoming evidence-based practices.

13 To apply for a grant under the program, school districts
14 shall submit applications that outline their plans for
15 reallocating their funds, including the total amount of funds
16 to be reallocated. Subject to the availability of funds, for
17 grant recipients, the Safe Schools and Healthy Learning
18 Environments Program shall match the amount that is reallocated
19 from school-based law enforcement personnel to alternative
20 methods of addressing student behavior on a dollar-for-dollar
21 basis.

22 Grant funds shall be used only to fund alternatives to
23 school-based arrests and law enforcement presence in schools.
24 Grant funds shall not be used to increase the use of
25 school-based security personnel. Grant funds may be used to
26 transition from school-based law enforcement personnel to

1 alternative patrol structures. Nothing in this Section shall
2 prohibit school districts from involving law enforcement
3 personnel when necessary and allowed by law.

4 (c) The State Board of Education, subject to appropriation
5 of the grant program, shall annually disseminate a request for
6 applications to this program and funds shall be distributed
7 annually. The criteria to be considered by the State Board of
8 Education in awarding the funds shall be (i) the arrest rates
9 in the target schools over the preceding 3 years, which shall
10 be calculated as the number of arrests divided by the number of
11 students; (ii) the ratio of school-based law enforcement
12 personnel to students in the target schools over the preceding
13 3 years; and (iii) the degree to which the proposal articulates
14 a strong, comprehensive approach for eliminating unnecessary
15 school-based arrests and the over-reliance on school-based law
16 enforcement to address school disciplinary matters while
17 building safer and healthier learning environments.

18 For factor (i), applicant school districts shall be ranked
19 from highest arrest rates to lowest, with higher arrest rates
20 receiving priority. For factor (ii), applicant school
21 districts shall be ranked from the highest ratio of
22 school-based law enforcement to students to the lowest ratio,
23 with the higher ratios receiving priority. For factor (iii),
24 applicant school districts shall be ranked on the basis of the
25 strength of their overall strategy, with all school districts
26 that fail to articulate a sound approach being excluded from

1 consideration. The State Board of Education shall determine a
2 scoring system for each factor based on the relative ranking of
3 the applicant school districts. Applicant school districts'
4 overall cumulative scores shall be based on the following
5 weights: factor (i): 40%; factor (ii): 20%; and factor (iii):
6 40%. If the appropriated funds are insufficient to provide
7 matching funds to all selected grantees, the funds shall be
8 awarded to the qualified applicant school districts on a
9 proportionate basis, based on the number of students within the
10 school districts to be affected by the grants, unless the
11 resulting allocation to qualified applicants would be less than
12 25% of some or all school districts' proposed reallocation
13 amounts. In that event, funds shall be awarded on a
14 proportionate basis to school districts in the order of their
15 respective scores, with the highest-scoring school district
16 receiving top priority, up until the point at which the
17 resulting allocations would be less than 25% of some or all
18 selected school districts' proposed reallocation amounts. If
19 the appropriated funds exceed what is required to provide
20 dollar-for-dollar matching funds to all qualified applicants,
21 the surplus shall be rolled over to be used for grants the
22 following year.

23 (d) The State Board of Education, subject to appropriation
24 to the grant program, shall produce an annual report on the
25 results of the Safe Schools and Healthy Learning Environments
26 Program in cooperation with the school districts participating

1 in the program. The report shall include both quantitative and
2 qualitative information on the progress being made in reducing
3 unnecessary school-based arrests and the over-reliance on
4 school-based law enforcement to address school disciplinary
5 matters, and the effects of the program on school safety and
6 school climate. The report shall include the number of
7 school-based arrests made within participating schools during
8 the 3 school years prior to the grant compared to the number of
9 school-based arrests made during the school year the grant was
10 awarded. This report shall be posted on the State Board of
11 Education's website by October 31 of each year, beginning in
12 2019.

13 (e) The State Board of Education may adopt rules necessary
14 for the implementation of this program.

15 Section 99. Effective date. This Act takes effect on July
16 1, 2018.