



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3093

Introduced 1/11/2022, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6  
105 ILCS 5/13A-1

from Ch. 122, par. 10-22.6

Amends the School Code. Provides that school officials shall limit the number and duration of transfers to alternative schools in place of discipline. Requires a school district to create an Alternative School Bill of Rights by which a pupil who is offered a transfer to an alternative school in place of disciplinary action shall be provided with certain information by the appropriate administrator. Provides that the Alternative School Bill of Rights shall constitute a contract between the school board and the educational rights holder by requiring a signature from either a representative, assignee, or other designated member of the school board and the educational rights holder. Provides that in no event may a school board extend the duration of a pupil's transfer to an alternative school in place of discipline without written notice to the educational rights holder and an opportunity to be meaningful heard before the school board. Makes related changes. Effective immediately.

LRB102 22959 CMG 32113 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections  
5 10-22.6 and 13A-1 as follows:

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

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

8 Sec. 10-22.6. Suspension, ~~or~~ expulsion, or transfer in  
9 place of disciplinary action of pupils; school searches.

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

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

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

1 reasons.

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

1 transfer is deemed to cause a threat to the safety of students  
2 or staff in the alternative program.

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

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

20 (b-15) Out-of-school suspensions of 3 days or less may be  
21 used only if the student's continuing presence in school would  
22 pose a threat to school safety or a disruption to other  
23 students' learning opportunities. For purposes of this  
24 subsection (b-15), "threat to school safety or a disruption to  
25 other students' learning opportunities" shall be determined on  
26 a case-by-case basis by the school board or its designee.

1 School officials shall make all reasonable efforts to resolve  
2 such threats, address such disruptions, and minimize the  
3 length of suspensions to the greatest extent practicable.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

8 (d-10) A school district shall create an Alternative  
9 School Bill of Rights by which a pupil who is offered a  
10 transfer to an alternative school in place of disciplinary  
11 action shall be informed, at a minimum, by the appropriate  
12 administrator in writing:

13 (1) that the educational rights holder of the pupil  
14 has a right to a hearing before a transfer to an  
15 alternative school in place of discipline occurs as set  
16 forth in subsection (a);

17 (2) of the risks and benefits of transferring to an  
18 alternative school in place of disciplinary action,  
19 including, but not limited to, the alternative school's  
20 graduation rates compared to the sending school's  
21 graduation rates, the alternative school's disciplinary  
22 procedures if they differ from the sending school's  
23 procedures, and the average amount of time a pupil spends  
24 at an alternative school before returning to the sending  
25 school;

26 (3) that the pupil may opt for a suspension or an

1 expulsion instead of a transfer in place of disciplinary  
2 action;

3 (4) of the exact duration of school days that the  
4 pupil shall be assigned to the alternative school in place  
5 of discipline;

6 (5) of the specific nature of the curriculum offered  
7 by the alternative school; and

8 (6) of the specific nature of the extracurricular  
9 activities that the pupil shall be allowed to participate  
10 in and shall be prohibited from participating in.

11 The Alternative School Bill of Rights shall constitute a  
12 contract between the school board and the educational rights  
13 holder by requiring a signature from either a representative,  
14 assignee, or other designated member of the school board and  
15 the educational rights holder. In no event may the school  
16 board extend the duration of a pupil's transfer to an  
17 alternative school in place of discipline without written  
18 notice to the educational rights holder and an opportunity to  
19 be meaningful heard before the school board.

20 (e) To maintain order and security in the schools, school  
21 authorities may inspect and search places and areas such as  
22 lockers, desks, parking lots, and other school property and  
23 equipment owned or controlled by the school, as well as  
24 personal effects left in those places and areas by students,  
25 without notice to or the consent of the student, and without a  
26 search warrant. As a matter of public policy, the General

1 Assembly finds that students have no reasonable expectation of  
2 privacy in these places and areas or in their personal effects  
3 left in these places and areas. School authorities may request  
4 the assistance of law enforcement officials for the purpose of  
5 conducting inspections and searches of lockers, desks, parking  
6 lots, and other school property and equipment owned or  
7 controlled by the school for illegal drugs, weapons, or other  
8 illegal or dangerous substances or materials, including  
9 searches conducted through the use of specially trained dogs.  
10 If a search conducted in accordance with this Section produces  
11 evidence that the student has violated or is violating either  
12 the law, local ordinance, or the school's policies or rules,  
13 such evidence may be seized by school authorities, and  
14 disciplinary action may be taken. School authorities may also  
15 turn over such evidence to law enforcement authorities.

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

19 (g) A school district may adopt a policy, subject to  
20 subsection (d-10), providing that if a student is suspended or  
21 expelled for any reason from any public or private school in  
22 this or any other state, the student must complete the entire  
23 term of the suspension or expulsion in an alternative school  
24 program under Article 13A of this Code or an alternative  
25 learning opportunities program under Article 13B of this Code  
26 before being admitted into the school district if there is no

1 threat to the safety of students or staff in the alternative  
2 program.

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

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

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

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

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

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

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

2 Sec. 10-22.6. Suspension, ~~or~~ expulsion, or transfer in  
3 place of disciplinary action of pupils; school searches.

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

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

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

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

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

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



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

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

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

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

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

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

1 this Section, it shall be documented whether such services are  
2 to be provided or whether it was determined that there are no  
3 such appropriate and available services.

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

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

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

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

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

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

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

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

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

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

1           24-1 of the Criminal Code of 2012. The expulsion period  
2           under this subdivision (1) may be modified by the  
3           superintendent, and the superintendent's determination may  
4           be modified by the board on a case-by-case basis.

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

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

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

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

10 (d-10) A school district shall create an Alternative  
11 School Bill of Rights by which a pupil who is offered a  
12 transfer to an alternative school in place of disciplinary  
13 action shall be informed, at a minimum, by the appropriate  
14 administrator in writing:

15 (1) that the educational rights holder of the pupil  
16 has a right to a hearing before a transfer to an  
17 alternative school in place of discipline occurs as set  
18 forth in subsection (a);

19 (2) of the risks and benefits of transferring to an  
20 alternative school in place of disciplinary action,  
21 including, but not limited to, the alternative school's  
22 graduation rates compared to the sending school's  
23 graduation rates, the alternative school's disciplinary  
24 procedures if they differ from the sending school's  
25 procedures, and the average amount of time a pupil spends  
26 at an alternative school before returning to the sending

1 school;

2 (3) that the pupil may opt for a suspension or an  
3 expulsion instead of a transfer in place of disciplinary  
4 action;

5 (4) of the exact duration of school days that the  
6 pupil shall be assigned to the alternative school in place  
7 of discipline;

8 (5) of the specific nature of the curriculum offered  
9 by the alternative school; and

10 (6) of the specific nature of the extracurricular  
11 activities that the pupil shall be allowed to participate  
12 in and shall be prohibited from participating in.

13 The Alternative School Bill of Rights shall constitute a  
14 contract between the school board and the educational rights  
15 holder by requiring a signature from either a representative,  
16 assignee, or other designated member of the school board and  
17 the educational rights holder. In no event may the school  
18 board extend the duration of a pupil's transfer to an  
19 alternative school in place of discipline without written  
20 notice to the educational rights holder and an opportunity to  
21 be meaningful heard before the school board.

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, subject to  
22 subsection (d-10), providing that if a student is suspended or  
23 expelled for any reason from any public or private school in  
24 this or any other state, the student must complete the entire  
25 term of the suspension or expulsion in an alternative school  
26 program under Article 13A of this Code or an alternative

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

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

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

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

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

25 (l) Beginning with the 2018-2019 school year, an in-school  
26 suspension program provided by a school district for any

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

7 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
8 102-539, eff. 8-20-21; revised 9-23-21.)

9 (105 ILCS 5/13A-1)

10 Sec. 13A-1. Legislative Declaration. The General Assembly  
11 finds and declares as follows:

12 (a) The children of this State constitute its most  
13 important resource, and in order to enable those children  
14 to reach their full potential, the State must provide them  
15 the quality public education that the Constitution of the  
16 State of Illinois mandates.

17 (b) The State cannot provide its children with the  
18 education they deserve and require unless the environment  
19 of the public schools is conducive to learning.

20 (c) That environment cannot be achieved unless an  
21 atmosphere of safety prevails, assuring that the person of  
22 each student, teacher, and staff member is respected, and  
23 that none of those people are subjected to violence,  
24 threats, harassment, intimidation, or otherwise  
25 confrontational or inappropriate behaviors that disrupt

1 the educational atmosphere.

2 (d) In most schools, although the disruptive students  
3 who are the primary cause of inappropriate educational  
4 environments comprise a small percentage of the total  
5 student body, they nevertheless consume a substantial  
6 amount of the time and resources of teachers and school  
7 administrators who are required to address and contain  
8 that disruptive behavior.

9 (e) Disruptive students typically derive little  
10 benefit from traditional school programs and may benefit  
11 substantially by being transferred from their current  
12 school into an alternative public school program, where  
13 their particular needs may be more appropriately and  
14 individually addressed and where they may benefit from the  
15 opportunity for a fresh start in a new educational  
16 environment. At those alternative school programs,  
17 innovative academic and school-to-work programs, including  
18 but not limited to the techniques of work based learning  
19 and technology delivered learning, can be utilized to best  
20 help the students enrolled in those schools to become  
21 productive citizens.

22 (f) Students need an appropriate, constructive  
23 classroom atmosphere in order to benefit from the  
24 teacher's presentations. Students cannot afford the  
25 classroom disruptions and often become frustrated and  
26 angry at the inability of their teachers and schools to

1 control disruptive students. As a result, they drop out of  
2 school too often. Furthermore, even if these students stay  
3 in school and graduate, they have been deprived by their  
4 disruptive classmates of the attention to their  
5 educational needs that their teachers would otherwise have  
6 provided, thereby diminishing their receiving the  
7 education and skills necessary to secure good jobs and  
8 become productive members of an increasingly competitive  
9 economic environment.

10 (g) Parents of school children statewide have  
11 expressed their rising anger and concern at the failure of  
12 their local public schools to provide a safe and  
13 appropriate educational environment for their children and  
14 to deal appropriately with disruptive students, and the  
15 General Assembly deems their concerns to be understandable  
16 and justified.

17 (h) Every school district in the State shall do all it  
18 can to ensure a safe and appropriate educational  
19 environment for all of its students, and the first, but  
20 not the only, step school districts must take to achieve  
21 that goal is to administratively transfer disruptive  
22 students from the schools they currently attend to the  
23 alternative school programs created by this Article. Those  
24 administrative transfers will also provide optional  
25 educational programs to best fit the needs of the  
26 transferred students.

1           (h-5) Prior to an administrative transfer, a school  
2           district shall create and provide an Alternative School  
3           Bill of Rights under subsection (d-10) of Section 10-22.6.

4           (i) Administrative transfers may prove more productive  
5           for dealing with disruptive students than out-of-school  
6           suspensions or expulsions, which have been the subject of  
7           much criticism.

8           (j) Because of the urgency of the problems described  
9           in this Section, as well as their statewide impact, the  
10          State of Illinois bears the responsibility to establish  
11          and fully fund alternative schools as soon as possible,  
12          thereby providing school districts with an option for  
13          dealing with disruptive students that they do not now  
14          possess.

15          (k) While school districts shall comply with all  
16          applicable federal laws and regulations, they should do so  
17          consistent with the goals and policies stated in this  
18          Article. Further, this Article is intended to be  
19          consistent with all applicable federal laws and  
20          regulations.

21          (l) An alternative school program established under  
22          this Article is subject to the other provisions of this  
23          Code that apply generally in the public schools of this  
24          State and to the rules and regulations promulgated  
25          thereunder, except as otherwise provided in this Article.

26          (m) The provisions of the Illinois Educational Labor

1 Relations Act apply to those alternative school programs  
2 that are created on or after the effective date of this  
3 amendatory Act of 1995.

4 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.