



Sen. Laura M. Murphy

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10200SB3093sam001

LRB102 22959 NLB 36694 a

1 AMENDMENT TO SENATE BILL 3093

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3093 by replacing  
3 everything after the enacting clause with the following:

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

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

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

8 Sec. 10-22.6. Suspension, ~~or~~ expulsion, or disciplinary  
9 transfer to alternative schools or programs of pupils; school  
10 searches.

11 (a) To expel pupils guilty of gross disobedience or  
12 misconduct, including gross disobedience or misconduct  
13 perpetuated by electronic means, pursuant to subsection (b-20)  
14 of this Section, and no action shall lie against them for such  
15 expulsion. Expulsion shall take place only after the parents  
16 have been requested to appear at a meeting of the board, or

1 with a hearing officer appointed by it, to discuss their  
2 child's behavior. Such request shall be made by registered or  
3 certified mail and shall state the time, place and purpose of  
4 the meeting. The board, or a hearing officer appointed by it,  
5 at such meeting shall state the reasons for dismissal and the  
6 date on which the expulsion is to become effective. If a  
7 hearing officer is appointed by the board, he shall report to  
8 the board a written summary of the evidence heard at the  
9 meeting and the board may take such action thereon as it finds  
10 appropriate. If the board acts to expel a pupil, the written  
11 expulsion decision shall detail the specific reasons why  
12 removing the pupil from the learning environment is in the  
13 best interest of the school. The expulsion decision shall also  
14 include a rationale as to the specific duration of the  
15 expulsion. An expelled pupil 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 expulsion, 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) To suspend or by policy to authorize the  
22 superintendent of the district or the principal, assistant  
23 principal, or dean of students of any school to suspend pupils  
24 guilty of gross disobedience or misconduct, or to suspend  
25 pupils guilty of gross disobedience or misconduct on the  
26 school bus from riding the school bus, pursuant to subsections

1 (b-15) and (b-20) of this Section, and no action shall lie  
2 against them for such suspension. The board may by policy  
3 authorize the superintendent of the district or the principal,  
4 assistant principal, or dean of students of any school to  
5 suspend pupils guilty of such acts for a period not to exceed  
6 10 school days. If a pupil is suspended due to gross  
7 disobedience or misconduct on a school bus, the board may  
8 suspend the pupil in excess of 10 school days for safety  
9 reasons.

10 Any suspension shall be reported immediately to the  
11 parents or guardian of a pupil along with a full statement of  
12 the reasons for such suspension and a notice of their right to  
13 a review. The school board must be given a summary of the  
14 notice, including the reason for the suspension and the  
15 suspension length. Upon request of the parents or guardian,  
16 the school board or a hearing officer appointed by it shall  
17 review such action of the superintendent or principal,  
18 assistant principal, or dean of students. At such review, the  
19 parents or guardian of the pupil may appear and discuss the  
20 suspension with the board or its hearing officer. If a hearing  
21 officer is appointed by the board, he shall report to the board  
22 a written summary of the evidence heard at the meeting. After  
23 its hearing or upon receipt of the written report of its  
24 hearing officer, the board may take such action as it finds  
25 appropriate. If a student is suspended pursuant to this  
26 subsection (b), the board shall, in the written suspension

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

11 (b-2) To transfer pupils guilty of gross disobedience or  
12 misconduct, including gross disobedience or misconduct  
13 perpetuated by electronic means, to alternative schools or  
14 programs pursuant to subsection (b-20) of this Section, and no  
15 action shall lie against them for such transfer to alternative  
16 schools or programs.

17 Except when a pupil has voluntarily agreed to a transfer,  
18 a disciplinary transfer to an alternative school or program  
19 shall take place only after the pupil's parents or guardians  
20 have been requested to appear at a meeting of the board or with  
21 a hearing officer appointed by the board to discuss their  
22 child's behavior. Such request shall be made by registered or  
23 certified mail and shall state the time, place, and purpose of  
24 the meeting. For purposes of this subsection (b-2), a decision  
25 is deemed voluntary only if the pupil has the option to remain  
26 enrolled at the pupil's current school. The request to appear

1 shall be accompanied by a written notice that provides  
2 information regarding the risks and benefits of disciplinary  
3 removal to an alternative school or program, including, but  
4 not limited to: (i) the specific nature of the curriculum and  
5 services offered at the alternative school or program, (ii)  
6 the alternative school or program's disciplinary procedures,  
7 and (iii) information about the extracurricular activities  
8 that the pupil will be allowed to participate in and any  
9 activities the pupil will be prohibited from participating in.

10 At the meeting described in this subsection (b-2), the  
11 board or a hearing officer appointed by the board shall state  
12 the reasons for disciplinary transfer to an alternative school  
13 or program and the specific dates that the pupil will be  
14 required to attend the alternative school or program, not to  
15 exceed 2 calendar years. If a hearing officer is appointed by  
16 the board, the hearing officer shall report to the board a  
17 written summary of the evidence heard at the meeting, and the  
18 board may take such action thereon as it finds appropriate. If  
19 the board acts to transfer the pupil to an alternative school  
20 or program, a written decision, sent to the pupil by first  
21 class mail, shall detail the specific reasons why transferring  
22 the pupil to an alternative school or program is in the best  
23 interest of the school. The written decision shall also  
24 include a rationale as to the specific duration of the  
25 transfer to the alternative school or program. The period that  
26 a pupil is required to attend an alternative school or program

1 may not be extended over the objection of the pupil absent a  
2 hearing under this Section based on a new disciplinary  
3 incident.

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

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

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

1 other students' learning opportunities" shall be determined on  
2 a case-by-case basis by the school board or its designee.  
3 School officials shall make all reasonable efforts to resolve  
4 such threats, address such disruptions, and minimize the  
5 length of suspensions to the greatest extent practicable.

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

1 Section, ~~or~~ the expulsion decision described in subsection (a)  
2 of this Section, or the disciplinary transfer decision  
3 described in subsection (b-2) of this Section, it shall be  
4 documented whether other interventions were attempted or  
5 whether it was determined that there were no other appropriate  
6 and available interventions.

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

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

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

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



1 suspended from the school bus does not have alternate  
2 transportation to school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 or damaged property.

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

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

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

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

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

20 Sec. 10-22.6. Suspension, ~~or~~ expulsion, or disciplinary  
21 transfer to alternative schools or programs of pupils; school  
22 searches.

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

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

24 (b) To suspend or by policy to authorize the  
25 superintendent of the district or the principal, assistant  
26 principal, or dean of students of any school to suspend pupils

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

13 Any suspension shall be reported immediately to the  
14 parents or guardians of a pupil along with a full statement of  
15 the reasons for such suspension and a notice of their right to  
16 a review. The school board must be given a summary of the  
17 notice, including the reason for the suspension and the  
18 suspension length. Upon request of the parents or guardians,  
19 the school board or a hearing officer appointed by it shall  
20 review such action of the superintendent or principal,  
21 assistant principal, or dean of students. At such review, the  
22 parents or guardians of the pupil may appear and discuss the  
23 suspension with the board or its hearing officer. If a hearing  
24 officer is appointed by the board, he shall report to the board  
25 a written summary of the evidence heard at the meeting. After  
26 its hearing or upon receipt of the written report of its

1 hearing officer, the board may take such action as it finds  
2 appropriate. If a student is suspended pursuant to this  
3 subsection (b), the board shall, in the written suspension  
4 decision, detail the specific act of gross disobedience or  
5 misconduct resulting in the decision to suspend. The  
6 suspension decision shall also include a rationale as to the  
7 specific duration of the suspension. A pupil who is suspended  
8 in excess of 20 school days may be immediately transferred to  
9 an alternative program in the manner provided in Article 13A  
10 or 13B of this Code. A pupil must not be denied transfer  
11 because of the suspension, except in cases in which such  
12 transfer is deemed to cause a threat to the safety of students  
13 or staff in the alternative program.

14 (b-2) To transfer pupils guilty of gross disobedience or  
15 misconduct, including gross disobedience or misconduct  
16 perpetuated by electronic means, to alternative schools or  
17 programs pursuant to subsection (b-20) of this Section, and no  
18 action shall lie against them for such transfer to alternative  
19 schools or programs.

20 Except when a pupil has voluntarily agreed to a transfer,  
21 a disciplinary transfer to an alternative school or program  
22 shall take place only after the pupil's parents or guardians  
23 have been requested to appear at a meeting of the board or with  
24 a hearing officer appointed by the board to discuss their  
25 child's behavior. Such request shall be made by registered or  
26 certified mail and shall state the time, place, and purpose of



1 the meeting. For purposes of this subsection (b-2), a decision  
2 is deemed voluntary only if the pupil has the option to remain  
3 enrolled at the pupil's current school. The request to appear  
4 shall be accompanied by a written notice that provides  
5 information regarding the risks and benefits of disciplinary  
6 removal to an alternative school or program, including, but  
7 not limited to: (i) the specific nature of the curriculum and  
8 services offered at the alternative school or program, (ii)  
9 the alternative school or program's disciplinary procedures,  
10 and (iii) information about the extracurricular activities  
11 that the pupil will be allowed to participate in and any  
12 activities the pupil will be prohibited from participating in.

13 At the meeting described in this subsection (b-2), the  
14 board or a hearing officer appointed by the board shall state  
15 the reasons for disciplinary transfer to an alternative school  
16 or program and the specific dates that the pupil will be  
17 required to attend the alternative school or program, not to  
18 exceed 2 calendar years. If a hearing officer is appointed by  
19 the board, the hearing officer shall report to the board a  
20 written summary of the evidence heard at the meeting, and the  
21 board may take such action thereon as it finds appropriate. If  
22 the board acts to transfer the pupil to an alternative school  
23 or program, a written decision, sent to the pupil by first  
24 class mail, shall detail the specific reasons why transferring  
25 the pupil to an alternative school or program is in the best  
26 interest of the school. The written decision shall also

1 include a rationale as to the specific duration of the  
2 transfer to the alternative school or program. The period that  
3 a pupil is required to attend an alternative school or program  
4 may not be extended over the objection of the pupil absent a  
5 hearing under this Section based on a new disciplinary  
6 incident.

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

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

25 (b-15) Out-of-school suspensions of 3 days or less may be  
26 used only if the student's continuing presence in school would

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

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

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

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

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

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

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

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

6 (b-35) In all suspension review hearings conducted under  
7 subsection (b), ~~or~~ expulsion hearings conducted under  
8 subsection (a), or transfer to an alternative school or  
9 program hearings conducted under subsection (b-2), a student  
10 may disclose any factor to be considered in mitigation,  
11 including his or her status as a parent, expectant parent, or  
12 victim of domestic or sexual violence, as defined in Article  
13 26A. A representative of the parent's or guardian's choice, or  
14 of the student's choice if emancipated, must be permitted to  
15 represent the student throughout the proceedings and to  
16 address the school board or its appointed hearing officer.  
17 With the approval of the student's parent or guardian, or of  
18 the student if emancipated, a support person must be permitted  
19 to accompany the student to any disciplinary hearings or  
20 proceedings. The representative or support person must comply  
21 with any rules of the school district's hearing process. If  
22 the representative or support person violates the rules or  
23 engages in behavior or advocacy that harasses, abuses, or  
24 intimidates either party, a witness, or anyone else in  
25 attendance at the hearing, the representative or support  
26 person may be prohibited from further participation in the

1 hearing or proceeding. A suspension, ~~or~~ expulsion, or  
2 disciplinary transfer to an alternative school or program  
3 proceeding under this subsection (b-35) must be conducted  
4 independently from any ongoing criminal investigation or  
5 proceeding, and an absence of pending or possible criminal  
6 charges, criminal investigations, or proceedings may not be a  
7 factor in school disciplinary decisions.

8 (b-40) During a suspension review hearing conducted under  
9 subsection (b), ~~or~~ an expulsion hearing conducted under  
10 subsection (a), or a transfer to an alternative school or  
11 program hearing conducted under subsection (b-2) that involves  
12 allegations of sexual violence by the student who is subject  
13 to discipline, neither the student nor his or her  
14 representative shall directly question nor have direct contact  
15 with the alleged victim. The student who is subject to  
16 discipline or his or her representative may, at the discretion  
17 and direction of the school board or its appointed hearing  
18 officer, suggest questions to be posed by the school board or  
19 its appointed hearing officer to the alleged victim.

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

25 (c-5) School districts shall make reasonable efforts to  
26 provide ongoing professional development to teachers,

1 administrators, school board members, school resource  
2 officers, and staff on the adverse consequences of school  
3 exclusion and justice-system involvement, effective classroom  
4 management strategies, culturally responsive discipline, the  
5 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 his or her 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. A school district that  
12 adopts a policy under this subsection (g) must include a  
13 provision allowing for consideration of any mitigating  
14 factors, including, but not limited to, a student's status as  
15 a parent, expectant parent, or victim of domestic or sexual  
16 violence, as defined in Article 26A.

17 (h) School officials shall not advise or encourage  
18 students to drop out voluntarily due to behavioral or academic  
19 difficulties.

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

24 (j) Subsections (a) through (i) of this Section shall  
25 apply to elementary and secondary schools, charter schools,  
26 special charter districts, and school districts organized

1 under Article 34 of this Code.

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

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

14 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
15 102-539, eff. 8-20-21; revised 9-23-21.)

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."