

SB3982



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3982

Introduced 1/21/2022, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. Requires school districts to make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on non-exclusionary discipline practices. Effective July 1, 2023.

LRB102 23240 CMG 32404 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 Section
5 10-22.6 as follows:

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

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

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

10 (a) To expel pupils guilty of gross disobedience or
11 misconduct, including gross disobedience or misconduct
12 perpetuated by electronic means, pursuant to subsection (b-20)
13 of this Section, and no action shall lie against them for such
14 expulsion. Expulsion shall take place only after the parents
15 have been requested to appear at a meeting of the board, or
16 with a hearing officer appointed by it, to discuss their
17 child's behavior. 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 and expulsions,
6 are the most serious. School officials shall limit the number
7 and duration of expulsions and suspensions to the greatest
8 extent practicable, and it is recommended that they use them
9 only for legitimate educational purposes. To ensure that
10 students are not excluded from school unnecessarily, it is
11 recommended that school officials consider forms of
12 non-exclusionary discipline prior to using out-of-school
13 suspensions or expulsions.

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

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

1 length of suspensions to the greatest extent practicable.

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

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

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

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

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

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

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

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

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

1 be modified by the board on a case-by-case basis.

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

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

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

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

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

1 disciplinary action may be taken. School authorities may also
2 turn over such evidence to law enforcement authorities.

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

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

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

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

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

26 (k) The expulsion of children enrolled in programs funded

1 under Section 1C-2 of this Code is subject to the requirements
2 under paragraph (7) of subsection (a) of Section 2-3.71 of
3 this Code.

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

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

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

14 Sec. 10-22.6. Suspension or expulsion of pupils; school
15 searches.

16 (a) To expel pupils guilty of gross disobedience or
17 misconduct, including gross disobedience or misconduct
18 perpetuated by electronic means, pursuant to subsection (b-20)
19 of this Section, and no action shall lie against them for such
20 expulsion. Expulsion shall take place only after the parents
21 or guardians have been requested to appear at a meeting of the
22 board, or with a hearing officer appointed by it, to discuss
23 their child's behavior. Such request shall be made by
24 registered or certified mail and shall state the time, place
25 and purpose of the meeting. The board, or a hearing officer

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

17 (b) To suspend or by policy to authorize the
18 superintendent of the district or the principal, assistant
19 principal, or dean of students of any school to suspend pupils
20 guilty of gross disobedience or misconduct, or to suspend
21 pupils guilty of gross disobedience or misconduct on the
22 school bus from riding the school bus, pursuant to subsections
23 (b-15) and (b-20) of this Section, and no action shall lie
24 against them for such suspension. The board may by policy
25 authorize the superintendent of the district or the principal,
26 assistant principal, or dean of students of any school to

1 suspend pupils guilty of such acts for a period not to exceed
2 10 school days. If a pupil is suspended due to gross
3 disobedience or misconduct on a school bus, the board may
4 suspend the pupil in excess of 10 school days for safety
5 reasons.

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

1 in excess of 20 school days may be immediately transferred to
2 an alternative program in the manner provided in Article 13A
3 or 13B of this Code. A pupil must not be denied transfer
4 because of the suspension, except in cases in which such
5 transfer is deemed to cause a threat to the safety of students
6 or staff in the alternative program.

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 and expulsions,
10 are the most serious. School officials shall limit the number
11 and duration of expulsions and suspensions to the greatest
12 extent practicable, and it is recommended that they use them
13 only for legitimate educational purposes. To ensure that
14 students are not excluded from school unnecessarily, it is
15 recommended that school officials consider forms of
16 non-exclusionary discipline prior to using out-of-school
17 suspensions 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, it shall be documented whether other
3 interventions were attempted or whether it was determined that
4 there were no other appropriate and available interventions.

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

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

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

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

1 (b-35) In all suspension review hearings conducted under
2 subsection (b) or expulsion hearings conducted under
3 subsection (a), a student may disclose any factor to be
4 considered in mitigation, including his or her status as a
5 parent, expectant parent, or victim of domestic or sexual
6 violence, as defined in Article 26A. A representative of the
7 parent's or guardian's choice, or of the student's choice if
8 emancipated, must be permitted to represent the student
9 throughout the proceedings and to address the school board or
10 its appointed hearing officer. With the approval of the
11 student's parent or guardian, or of the student if
12 emancipated, a support person must be permitted to accompany
13 the student to any disciplinary hearings or proceedings. The
14 representative or support person must comply with any rules of
15 the school district's hearing process. If the representative
16 or support person violates the rules or engages in behavior or
17 advocacy that harasses, abuses, or intimidates either party, a
18 witness, or anyone else in attendance at the hearing, the
19 representative or support person may be prohibited from
20 further participation in the hearing or proceeding. A
21 suspension or expulsion proceeding under this subsection
22 (b-35) must be conducted independently from any ongoing
23 criminal investigation or proceeding, and an absence of
24 pending or possible criminal charges, criminal investigations,
25 or proceedings may not be a factor in school disciplinary
26 decisions.

1 (b-40) During a suspension review hearing conducted under
2 subsection (b) or an expulsion hearing conducted under
3 subsection (a) that involves allegations of sexual violence by
4 the student who is subject to discipline, neither the student
5 nor his or her representative shall directly question nor have
6 direct contact with the alleged victim. The student who is
7 subject to discipline or his or her representative may, at the
8 discretion and direction of the school board or its appointed
9 hearing officer, suggest questions to be posed by the school
10 board or its appointed hearing officer to the alleged victim.

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

15 (c-5) School districts shall make reasonable efforts to
16 provide ongoing professional development to teachers,
17 administrators, school board members, school resource
18 officers, and staff on the adverse consequences of school
19 exclusion and justice-system involvement, effective classroom
20 management strategies, non-exclusionary discipline practices,
21 culturally responsive discipline, the appropriate and
22 available supportive services for the promotion of student
23 attendance and engagement, and developmentally appropriate
24 disciplinary methods that promote positive and healthy school
25 climates.

26 (d) The board may expel a student for a definite period of

1 time not to exceed 2 calendar years, as determined on a
2 case-by-case basis. A student who is determined to have
3 brought one of the following objects to school, any
4 school-sponsored activity or event, or any activity or event
5 that bears a reasonable relationship to school shall be
6 expelled for a period of not less than one year:

7 (1) A firearm. For the purposes of this Section,
8 "firearm" means any gun, rifle, shotgun, weapon as defined
9 by Section 921 of Title 18 of the United States Code,
10 firearm as defined in Section 1.1 of the Firearm Owners
11 Identification Card Act, or firearm as defined in Section
12 24-1 of the Criminal Code of 2012. The expulsion period
13 under this subdivision (1) may be modified by the
14 superintendent, and the superintendent's determination may
15 be modified by the board on a case-by-case basis.

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

24 Expulsion or suspension shall be construed in a manner
25 consistent with the federal Individuals with Disabilities
26 Education Act. A student who is subject to suspension or

1 expulsion as provided in this Section may be eligible for a
2 transfer to an alternative school program in accordance with
3 Article 13A of the School Code.

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

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

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

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

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

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

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

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

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

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

23 (l) Beginning with the 2018-2019 school year, an in-school
24 suspension program provided by a school district for any
25 students in kindergarten through grade 12 may focus on
26 promoting non-violent conflict resolution and positive

1 interaction with other students and school personnel. A school
2 district may employ a school social worker or a licensed
3 mental health professional to oversee an in-school suspension
4 program in kindergarten through grade 12.

5 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
6 102-539, eff. 8-20-21; revised 9-23-21.)

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

14 Section 99. Effective date. This Act takes effect July 1,
15 2023.