



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB0183

Introduced 1/31/2023, 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 meaningfully heard before the school board. Makes related changes. Effective immediately.

LRB103 25977 RJT 52331 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 meaningfully 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;

1 102-813, eff. 5-13-22.)

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

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

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

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

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

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

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

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



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2 in place of discipline, and suspensions to the greatest extent  
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4 legitimate educational purposes. To ensure that students are  
5 not excluded from school unnecessarily, it is recommended that  
6 school officials consider forms of non-exclusionary discipline  
7 prior to using out-of-school suspensions, transfers to  
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9 (b-10) Unless otherwise required by federal law or this  
10 Code, school boards may not institute zero-tolerance policies  
11 by which school administrators are required to suspend or  
12 expel students for particular behaviors.

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

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

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

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

1 Within the suspension decision described in subsection (b) of  
2 this Section, it shall be documented whether such services are  
3 to be provided or whether it was determined that there are no  
4 such appropriate and available services.

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

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

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

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

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

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

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

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

6 (c-5) School districts shall make reasonable efforts to  
7 provide ongoing professional development to teachers,  
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9 officers, and staff on the adverse consequences of school  
10 exclusion and justice-system involvement, effective classroom  
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12 appropriate and available supportive services for the  
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14 developmentally appropriate disciplinary methods that promote  
15 positive and healthy school climates.

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19 brought one of the following objects to school, any  
20 school-sponsored activity or event, or any activity or event  
21 that bears a reasonable relationship to school shall be  
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23 (1) A firearm. For the purposes of this Section,  
24 "firearm" means any gun, rifle, shotgun, weapon as defined  
25 by Section 921 of Title 18 of the United States Code,  
26 firearm as defined in Section 1.1 of the Firearm Owners

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

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

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

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

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

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

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

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

1       at an alternative school before returning to the sending  
2       school;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

26 (l) Beginning with the 2018-2019 school year, an in-school

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

8 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
9 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

10 (105 ILCS 5/13A-1)

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

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

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

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

1 confrontational or inappropriate behaviors that disrupt  
2 the educational atmosphere.

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

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

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

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

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

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

1 transferred students.

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

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

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

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

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

1           (m) The provisions of the Illinois Educational Labor  
2           Relations Act apply to those alternative school programs  
3           that are created on or after the effective date of this  
4           amendatory Act of 1995.

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

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

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