



Sen. Steve McClure

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LRB104 18540 LNS 34795 a

1 AMENDMENT TO SENATE BILL 2991

2 AMENDMENT NO. _____. Amend Senate Bill 2991 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 Sec. 10-22.6. Suspension or expulsion of students; school
8 searches.

9 (a) To expel students guilty of gross disobedience or
10 misconduct, including gross disobedience or misconduct
11 perpetuated by electronic means, pursuant to subsection (b-20)
12 of this Section, and no action shall lie against them for such
13 expulsion. Expulsion shall take place only after the parents
14 or guardians have been requested to appear at a meeting of the
15 board, or with a hearing officer appointed by it, to discuss
16 their child's behavior. Such request shall be made by

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

20 (b) To suspend or by policy to authorize the
21 superintendent of the district or the principal, assistant
22 principal, or dean of students of any school to suspend
23 students guilty of gross disobedience or misconduct, or to
24 suspend students guilty of gross disobedience or misconduct on
25 the school bus from riding the school bus, pursuant to
26 subsections (b-15) and (b-20) of this Section, and no action

1 shall lie against them for such suspension. The board may by
2 policy authorize the superintendent of the district or the
3 principal, assistant principal, or dean of students of any
4 school to suspend students guilty of such acts for a period not
5 to exceed 10 school days. If a student is suspended due to
6 gross disobedience or misconduct on a school bus, the board
7 may suspend the student in excess of 10 school days for safety
8 reasons.

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

1 misconduct resulting in the decision to suspend. The
2 suspension decision shall also include a rationale as to the
3 specific duration of the suspension.

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 and expulsions,
7 are the most serious. School officials shall limit the number
8 and duration of expulsions and suspensions to the greatest
9 extent practicable, and it is recommended that they use them
10 only for legitimate educational purposes. To ensure that
11 students are not excluded from school unnecessarily, it is
12 recommended that school officials consider forms of
13 non-exclusionary discipline prior to using out-of-school
14 suspensions or expulsions.

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

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

1 such threats, address such disruptions, and minimize the
2 length of suspensions to the greatest extent practicable.

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

1 there were no other appropriate and available interventions.

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

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

13 A school district shall create a policy to facilitate the
14 re-engagement of students who are suspended out-of-school,
15 expelled, or returning from an alternative school setting. In
16 consultation with stakeholders deemed appropriate by the State
17 Board of Education, the State Board of Education shall draft
18 and publish guidance for the re-engagement of students who are
19 suspended out-of-school, expelled, or returning from an
20 alternative school setting in accordance with this Section and
21 Section 13A-4 on or before July 1, 2025.

22 (b-30) A school district shall create a policy by which
23 suspended students, including those students suspended from
24 the school bus who do not have alternate transportation to
25 school, shall have the opportunity to make up work for
26 equivalent academic credit. It shall be the responsibility of

1 a student's parents or guardians to notify school officials
2 that a student suspended from the school bus does not have
3 alternate transportation to school.

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

1 pending or possible criminal charges, criminal investigations,
2 or proceedings may not be a factor in school disciplinary
3 decisions.

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

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

18 (c-5) School districts shall make reasonable efforts to
19 provide ongoing professional development to all school
20 personnel, school board members, and school resource officers
21 on the requirements of this Section and Section 10-20.14, the
22 adverse consequences of school exclusion and justice-system
23 involvement, effective classroom management strategies,
24 culturally responsive discipline, trauma-responsive learning
25 environments, as defined in subsection (b) of Section 3-11,
26 the appropriate and available supportive services for the

1 promotion of student attendance and engagement, and
2 developmentally appropriate disciplinary methods that promote
3 positive and healthy school climates.

4 (d) The board may expel a student for a definite period of
5 time not to exceed 2 calendar years, as determined on a
6 case-by-case basis. A student who is determined to have
7 brought one of the following objects to school, any
8 school-sponsored activity or event, or any activity or event
9 that bears a reasonable relationship to school shall be
10 expelled for a period of not less than one year:

11 (1) A firearm. For the purposes of this Section,
12 "firearm" means any gun, rifle, shotgun, weapon as defined
13 by Section 921 of Title 18 of the United States Code,
14 firearm as defined in Section 1.1 of the Firearm Owners
15 Identification Card Act, or firearm as defined in Section
16 24-1 of the Criminal Code of 2012. The expulsion period
17 under this subdivision (1) may be modified by the
18 superintendent, and the superintendent's determination may
19 be modified by the board on a case-by-case basis.

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

1 may be modified by the board on a case-by-case basis.
2 Expulsion or suspension shall be construed in a manner
3 consistent with the federal Individuals with Disabilities
4 Education Act. A student who is subject to suspension or
5 expulsion as provided in this Section may be eligible for a
6 transfer to an alternative school program in accordance with
7 Article 13A of the School Code.

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

25 (d-10) A student who is determined to have initiated
26 sexual activity with another individual without that

1 individual's consent, a sexual assault, or an attempted sexual
2 assault at a school, a school-sponsored activity or event, or
3 an activity or event that bears a reasonable relationship to
4 school shall be expelled for a period of not less than one
5 year.

6 For purposes of this subsection (d-10), (i) a student
7 initiates sexual activity with another individual without that
8 individual's consent if the student uses force or a threat of
9 force to make the other individual perform a nonconsensual
10 sexual act, if the other individual did not agree to
11 participate in the sexual act or was unconscious, asleep,
12 surprised, intoxicated, or drugged and, as a result, was not
13 aware of, did not know of, did not perceive, or was not
14 cognizant of the sexual act or the nature of the sexual act, or
15 if the other individual has a disability that made the
16 individual unable to understand the nature of the sexual act,
17 unable to consent to the sexual act, or incapable of resisting
18 the sexual act; (ii) a student initiates a sexual assault if
19 the student commits an act of sexual penetration and uses
20 force or a threat of force, if the other individual did not
21 agree to the sexual penetration or was unconscious, asleep,
22 surprised, intoxicated, or drugged and, as a result, was not
23 aware of, did not know of, did not perceive, or was not
24 cognizant of the sexual penetration or the nature of the
25 sexual penetration, or if the other individual has a
26 disability that made the individual unable to understand the

1 nature of the sexual penetration, unable to consent to the
2 sexual penetration, or incapable of resisting the sexual
3 penetration; and (iii) a student initiates an attempted sexual
4 assault if, with the intent to commit a sexual assault under
5 clause (ii), the student commits an act that constitutes a
6 substantial step toward the commission of a sexual assault
7 under clause (ii). The expulsion requirement under this
8 subsection (d-10) may be modified by the superintendent, and
9 the superintendent's determination may be modified by the
10 board on a case-by-case basis.

11 Expulsion under this subsection (d-10) shall be construed
12 in a manner consistent with the federal Individuals with
13 Disabilities Education Act and Title IX of the federal
14 Education Amendments of 1972. Expulsion under this subsection
15 (d-10) shall comply with the expulsion procedures set forth in
16 subsection (a). A student who is subject to expulsion as
17 provided in this subsection (d-10) may be eligible for a
18 transfer to an alternative school program in accordance with
19 Article 13A of the School Code.

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 providing that if
20 a student is suspended or expelled for any reason from any
21 public or private school in this or any other state, the
22 student must complete the entire term of the suspension or
23 expulsion in an alternative school program under Article 13A
24 of this Code or an alternative learning opportunities program
25 under Article 13B of this Code before being admitted into the
26 school district if there is no threat to the safety of students

1 or staff in the alternative program. A school district that
2 adopts a policy under this subsection (g) must include a
3 provision allowing for consideration of any mitigating
4 factors, including, but not limited to, a student's status as
5 a parent, expectant parent, or victim of domestic or sexual
6 violence, as defined in Article 26A.

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

10 (i) In this subsection (i), "municipal code violation"
11 means the violation of a rule or regulation established by a
12 local government authority, authorized by Section 1-2-1 of the
13 Illinois Municipal Code.

14 A student must not be issued a monetary fine, fee, ticket,
15 or citation as a school-based disciplinary consequence or for
16 a municipal code violation on school grounds during school
17 hours or while taking school transportation by any person,
18 though this shall not preclude requiring a student to provide
19 restitution for lost, stolen, or damaged property.

20 This subsection (i) does not modify school disciplinary
21 responses under this Section or Section 10-20.14 of this Code
22 that existed before the effective date of this amendatory Act
23 of the 104th General Assembly or responses to alleged
24 delinquent or criminal conduct set forth in this Code, Article
25 V of the Juvenile Court Act of 1987, or the Criminal Code of
26 2012. This subsection (i) does not apply to violations of

1 traffic, boating, or fish and game laws.

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) Through June 30, 2026, the expulsion of students
7 enrolled in programs funded under Section 1C-2 of this Code is
8 subject to the requirements under paragraph (7) of subsection
9 (a) of Section 2-3.71 of this Code.

10 (k-5) On and after July 1, 2026, the expulsion of children
11 enrolled in programs funded under Section 15-25 of the
12 Department of Early Childhood Act is subject to the
13 requirements of paragraph (7) of subsection (a) of Section
14 15-30 of the Department of Early Childhood Act.

15 (l) An in-school suspension program provided by a school
16 district for any students in kindergarten through grade 12 may
17 focus on promoting non-violent conflict resolution and
18 positive interaction with other students and school personnel.
19 A school district may employ a school social worker or a
20 licensed mental health professional to oversee an in-school
21 suspension program in kindergarten through grade 12.

22 (Source: P.A. 103-594, eff. 6-25-24; 103-896, eff. 8-9-24;
23 104-417, eff. 8-15-25; 104-430, eff. 8-20-25.)

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