



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2091

Introduced 2/26/2021, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.162

Amends the School Code. With regard to the State Board of Education's student discipline report, provides that, beginning with the 2021-2022 school year, the State Board must annually collect data on all of the data elements pertaining to school discipline, student seclusion, and student restraint collected by the U.S. Department of Education as part of its Civil Rights Data Collection. Provides that, beginning with the 2021-2022 school year, the State Board must collect data on all disciplinary incidents that result in office referrals but do not result in out-of-school suspensions, expulsions, disciplinary transfers to alternative schools, referrals to law enforcement, or school-based arrests. Sets forth the categories of data that must be collected by the State Board and included in the school discipline report. Sets forth provisions regarding a school discipline improvement plan. Requires the State Superintendent of Education to convene an Equitable and Restorative School Discipline Advisory Council to advise the State Board on the ongoing implementation of school discipline policies in this State. Makes other changes. Effective immediately.

LRB102 16366 CMG 21753 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 2-3.162 as follows:

6 (105 ILCS 5/2-3.162)

7 Sec. 2-3.162. Student discipline report; school discipline
8 improvement plan.

9 (a) On or before October 31, 2015 and on or before October
10 31 of each subsequent year, the State Board of Education,
11 through the State Superintendent of Education, shall prepare a
12 report on student discipline in all school districts in this
13 State, including State-authorized charter schools. This report
14 shall include data from all public schools within school
15 districts, including district-authorized charter schools. ~~This~~
16 ~~report must be posted on the Internet website of the State~~
17 ~~Board of Education.~~ The report shall include data on the
18 issuance of out-of-school suspensions, expulsions, and
19 removals to alternative settings in lieu of another
20 disciplinary action, disaggregated by race and ethnicity,
21 gender, age, grade level, whether a student is an English
22 learner, incident type, and discipline duration.

23 (a-5) Beginning with the 2021-2022 school year, the State

1 Board of Education must annually collect data on all of the
2 data elements pertaining to school discipline, student
3 seclusion, and student restraint collected by the U.S.
4 Department of Education as part of its Civil Rights Data
5 Collection. The school discipline data elements to be
6 collected must include, at a minimum, all of the data elements
7 pertaining to school discipline collected as part of the
8 2017-2018 Civil Rights Data Collection, including, but not
9 limited to data elements concerning out-of-school suspensions,
10 expulsions, transfers to alternative schools, referrals to law
11 enforcement, and school-based arrests. The State Board must
12 use the most current definitions provided by the U.S.
13 Department of Education for these categories of data.

14 (a-10) Beginning with the 2021-2022 school year, the State
15 Board of Education must collect data on all disciplinary
16 incidents that result in office referrals but do not result in
17 out-of-school suspensions, expulsions, disciplinary transfers
18 to alternative schools, referrals to law enforcement, or
19 school-based arrests.

20 (a-15) The State Board of Education must collect the data
21 described in subsections (a-5) and (a-10) in a manner that
22 allows for disaggregation by all of the demographic categories
23 used by the Civil Rights Data Collection, by student grade
24 level and, with the exception of school-based arrest data, by
25 disciplinary offense and discipline duration. The categories
26 of disciplinary offense data to be collected must include

1 those used within the Civil Rights Data Collection and all of
2 the following:

- 3 (1) Disruption.
4 (2) Disrespect.
5 (3) Insubordination.
6 (4) Defiance of authority.
7 (5) Truancy.
8 (6) Tardiness or class-cutting.
9 (7) Alcohol.
10 (8) Harassment or bullying.
11 (9) Dress code violation.
12 (10) Drugs or controlled substances.
13 (11) Theft.
14 (12) Property damage.
15 (13) Tobacco.
16 (14) Trespassing.
17 (15) Other.

18 The categories of discipline duration data to be collected
19 shall be the following:

- 20 (A) less than or equal to one day;
21 (B) 2 days;
22 (C) 3 days;
23 (D) 4 days;
24 (E) 5 days;
25 (F) 6 days;
26 (G) 7 days;

- 1 (H) 8 days;
2 (I) 9 days; or
3 (J) 10 days.

4 For durations longer than 10 days, the data must be reported by
5 number of semesters.

6 (a-20) The report compiled by the State Board of Education
7 under subsection (a) must include all of the categories of
8 data referenced in subsections (a-5) and (a-10). The report
9 must include the total number of school days and semesters
10 missed by students in each school district as a result of
11 out-of-school suspensions and expulsions. The State Board must
12 also ensure that, for each category of data, the report allows
13 for cross-tabulation using the categories of disaggregation
14 under subsection (a-15). The State Board must set disclosure
15 avoidance standards by rule and must post the report on its
16 Internet website.

17 (b) For each school district in this State, the ~~The State~~
18 Board of Education shall annually calculate all of ~~analyze the~~
19 ~~data under subsection (a) of this Section on an annual basis~~
20 ~~and determine the top 20% of school districts for the~~
21 following metrics:

22 (1) The district's out-of-school suspension rate, as
23 calculated by the U.S. Department of Education as part of
24 the Civil Rights Data Collection. ~~Total number of~~
25 ~~out-of-school suspensions divided by the total district~~
26 ~~enrollment by the last school day in September for the~~

1 ~~year in which the data was collected, multiplied by 100.~~

2 (2) The district's expulsion rate, as calculated by
3 the U.S. Department of Education as part of the Civil
4 Rights Data Collection. Total number of out-of-school
5 expulsions divided by the total district enrollment by the
6 last school day in September for the year in which the data
7 was collected, multiplied by 100.

8 (3) The district's out-of-school suspension racial
9 disproportionality rates, as calculated by the U.S.
10 Department of Education as part of the Civil Rights Data
11 Collection. Racial disproportionality, defined as the
12 overrepresentation of students of color or white students
13 in comparison to the total number of students of color or
14 white students on October 1st of the school year in which
15 data are collected, with respect to the use of
16 out-of-school suspensions and expulsions, which must be
17 calculated using the same method as the U.S. Department of
18 Education's Office for Civil Rights uses.

19 ~~The analysis must be based on data collected over 3~~
20 ~~consecutive school years, beginning with the 2014-2015 school~~
21 ~~year.~~

22 The State Board of Education shall annually publish a list
23 identifying each school district with an out-of-school
24 suspension rate greater than 4.2, an expulsion rate greater
25 than 0.05, or an out-of-school suspension racial
26 disproportionality rate greater than 1.5, which rates must be

1 referred to as the identified metrics. This calculation must
2 exclude all school districts for which the relevant number of
3 out-of-school suspensions or expulsions was one for 3
4 consecutive years in the same category.

5 Beginning with the 2020-2021 school year and for each
6 school year thereafter, the State Board of Education must
7 identify each district that met at least one of the identified
8 metrics during that school year and the 2 preceding school
9 years. The State Board must require each of the school
10 districts that are identified to submit a school discipline
11 improvement plan identifying the strategies the school
12 district will implement to reduce the use of the disciplinary
13 practices that resulted in it exceeding the identified metrics
14 during the 3-year period.

15 ~~Beginning with the 2017-2018 school year, the State Board~~
16 ~~of Education shall require each of the school districts that~~
17 ~~are identified in the top 20% of any of the metrics described~~
18 ~~in this subsection (b) for 3 consecutive years to submit a plan~~
19 ~~identifying the strategies the school district will implement~~
20 ~~to reduce the use of exclusionary disciplinary practices or~~
21 ~~racial disproportionality or both, if applicable. School~~
22 ~~districts that no longer meet the criteria described in any of~~
23 ~~the metrics described in this subsection (b) for 3 consecutive~~
24 ~~years shall no longer be required to submit a plan.~~

25 This plan may be combined with any other improvement plans
26 required under federal or State law.

1 ~~The calculation of the top 20% of any of the metrics~~
2 ~~described in this subsection (b) shall exclude all school~~
3 ~~districts, State-authorized charter schools, and special~~
4 ~~charter districts that issued fewer than a total of 10~~
5 ~~out of school suspensions or expulsions, whichever is~~
6 ~~applicable, during the school year. The calculation of the top~~
7 ~~20% of the metric described in subdivision (3) of this~~
8 ~~subsection (b) shall exclude all school districts with an~~
9 ~~enrollment of fewer than 50 white students or fewer than 50~~
10 ~~students of color.~~

11 The school discipline improvement plan must be approved at
12 a public school board meeting and posted on the school
13 district's Internet website. The plan must also be submitted
14 to the State Board of Education on or before June 30 of each
15 year and posted on the State Board's Internet website. If the
16 school district is required to submit a school discipline
17 improvement plan for 2 or more consecutive years, its
18 successive plans must also include a progress report
19 describing the implementation of the previous plan or plans
20 and the results achieved. ~~Within one year after being~~
21 ~~identified, the school district shall submit to the State~~
22 ~~Board of Education and post on the district's Internet website~~
23 ~~a progress report describing the implementation of the plan~~
24 ~~and the results achieved.~~

25 (c) The State Superintendent of Education shall convene an
26 Equitable and Restorative School Discipline Advisory Council,

1 which shall be staffed by the State Board of Education.
2 Members of the Council shall be selected by the State
3 Superintendent and shall include, without limitation,
4 representatives of teacher unions and school district
5 management, persons with expertise in restorative, culturally
6 responsive, and trauma-informed processes and systems of
7 school discipline, and youth and parent representatives and
8 organizations. The Council shall meet at least quarterly and
9 may also meet at the call of the chairperson of the Council,
10 following the effective date of this amendatory Act of the 102
11 General Assembly. The Council shall advise the State Board on
12 the ongoing implementation of school discipline policies in
13 this State, which may include gathering public feedback,
14 sharing best practices, consulting with the State Board on any
15 proposed rule changes regarding school discipline, and other
16 subjects as determined by the chairperson of the Council.

17 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15;
18 100-863, eff. 8-14-18.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.