



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6019

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.14	from Ch. 122, par. 10-20.14
105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
105 ILCS 5/13A-4	
105 ILCS 5/13B-20.25	
105 ILCS 5/26-2	from Ch. 122, par. 26-2
105 ILCS 5/26-16	
105 ILCS 5/27A-5	
105 ILCS 5/34-2.3	from Ch. 122, par. 34-2.3
105 ILCS 5/34-18.50 new	
105 ILCS 5/34-19	from Ch. 122, par. 34-19

Amends the School Code. Makes changes concerning the suspension and expulsion of pupils to provide that certain provisions apply only to the Chicago school district (excluding charter schools in that district), including provisions concerning the content of a written expulsion or suspension decision, limiting suspensions, expulsions, and disciplinary removals to alternative schools, referrals to support services, a student re-engagement policy, and making up work for academic credit. Makes related changes.

LRB099 19430 NHT 43822 b

FISCAL NOTE ACT
MAY APPLY

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 10-20.14, 10-22.6, 13A-4, 13B-20.25, 26-2, 26-16, 27A-5,
6 34-2.3, and 34-19 and by adding Section 34-18.50 as follows:

7 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

8 (Text of Section before amendment by P.A. 99-456)

9 Sec. 10-20.14. Student discipline policies; parent-teacher
10 advisory committee.

11 (a) To establish and maintain a parent-teacher advisory
12 committee to develop with the school board policy guidelines on
13 pupil discipline, including school searches, to furnish a copy
14 of the policy to the parents or guardian of each pupil within
15 15 days after the beginning of the school year, or within 15
16 days after starting classes for a pupil who transfers into the
17 district during the school year, and to require that each
18 school informs its pupils of the contents of its policy. School
19 boards, along with the parent-teacher advisory committee, are
20 encouraged to annually review their pupil discipline policies,
21 the implementation of those policies, and any other factors
22 related to the safety of their schools, pupils, and staff.

23 (b) The parent-teacher advisory committee in cooperation

1 with local law enforcement agencies shall develop, with the
2 school board, policy guideline procedures to establish and
3 maintain a reciprocal reporting system between the school
4 district and local law enforcement agencies regarding criminal
5 offenses committed by students.

6 (c) The parent-teacher advisory committee, in cooperation
7 with school bus personnel, shall develop, with the school
8 board, policy guideline procedures to establish and maintain
9 school bus safety procedures. These procedures shall be
10 incorporated into the district's pupil discipline policy.

11 (d) The school board, in consultation with the
12 parent-teacher advisory committee and other community-based
13 organizations, must include provisions in the student
14 discipline policy to address students who have demonstrated
15 behaviors that put them at risk for aggressive behavior,
16 including without limitation bullying, as defined in the
17 policy. These provisions must include procedures for notifying
18 parents or legal guardians and early intervention procedures
19 based upon available community-based and district resources.

20 (Source: P.A. 91-272, eff. 1-1-00; 92-260, eff. 1-1-02.)

21 (Text of Section after amendment by P.A. 99-456)

22 Sec. 10-20.14. Student discipline policies; parent-teacher
23 advisory committee.

24 (a) To establish and maintain a parent-teacher advisory
25 committee to develop with the school board or governing body of

1 a charter school policy guidelines on pupil discipline,
2 including school searches and bullying prevention as set forth
3 in Section 27-23.7 of this Code. School authorities shall
4 furnish a copy of the policy to the parents or guardian of each
5 pupil within 15 days after the beginning of the school year, or
6 within 15 days after starting classes for a pupil who transfers
7 into the district during the school year, and the school board
8 or governing body of a charter school shall require that a
9 school inform its pupils of the contents of the policy. School
10 boards and the governing bodies of charter schools, along with
11 the parent-teacher advisory committee, must annually review
12 their pupil discipline policies, the implementation of those
13 policies, and any other factors related to the safety of their
14 schools, pupils, and staff.

15 (a-5) On or before September 15, 2016, each elementary and
16 secondary school and charter school shall, at a minimum, adopt
17 pupil discipline policies that fulfill the requirements, as
18 applicable, set forth in this Section, subsections (a) and (b)
19 of Section 10-22.6 of this Code, Section 34-19 of this Code ~~if~~
20 ~~applicable~~, and federal and State laws that provide special
21 requirements for the discipline of students with disabilities.

22 (b) The parent-teacher advisory committee in cooperation
23 with local law enforcement agencies shall develop, with the
24 school board, policy guideline procedures to establish and
25 maintain a reciprocal reporting system between the school
26 district and local law enforcement agencies regarding criminal

1 offenses committed by students. School districts are
2 encouraged to create memoranda of understanding with local law
3 enforcement agencies that clearly define law enforcement's
4 role in schools, in accordance with Section 10-22.6 or 34-18.50
5 of this Code.

6 (c) The parent-teacher advisory committee, in cooperation
7 with school bus personnel, shall develop, with the school
8 board, policy guideline procedures to establish and maintain
9 school bus safety procedures. These procedures shall be
10 incorporated into the district's pupil discipline policy.

11 (d) The school board, in consultation with the
12 parent-teacher advisory committee and other community-based
13 organizations, must include provisions in the student
14 discipline policy to address students who have demonstrated
15 behaviors that put them at risk for aggressive behavior,
16 including without limitation bullying, as defined in the
17 policy. These provisions must include procedures for notifying
18 parents or legal guardians and early intervention procedures
19 based upon available community-based and district resources.

20 (e) This Section applies to all school districts, including
21 a district organized under Article 34 of this Code.

22 (Source: P.A. 99-456, eff. 9-15-16.)

23 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

24 (Text of Section before amendment by P.A. 99-456)

25 Sec. 10-22.6. Suspension or expulsion of pupils; school

1 searches.

2 (a) To expel pupils guilty of gross disobedience or
3 misconduct, including gross disobedience or misconduct
4 perpetuated by electronic means, and no action shall lie
5 against them for such expulsion. Expulsion shall take place
6 only after the parents have been requested to appear at a
7 meeting of the board, or with a hearing officer appointed by
8 it, to discuss their child's behavior. Such request shall be
9 made by registered or certified mail and shall state the time,
10 place and purpose of the meeting. The board, or a hearing
11 officer appointed by it, at such meeting shall state the
12 reasons for dismissal and the date on which the expulsion is to
13 become effective. If a hearing officer is appointed by the
14 board he shall report to the board a written summary of the
15 evidence heard at the meeting and the board may take such
16 action thereon as it finds appropriate. An expelled pupil may
17 be immediately transferred to an alternative program in the
18 manner provided in Article 13A or 13B of this Code. A pupil
19 must not be denied transfer because of the expulsion, except in
20 cases in which such transfer is deemed to cause a threat to the
21 safety of students or staff in the alternative program.

22 (b) To suspend or by policy to authorize the superintendent
23 of the district or the principal, assistant principal, or dean
24 of students of any school to suspend pupils guilty of gross
25 disobedience or misconduct, or to suspend pupils guilty of
26 gross disobedience or misconduct on the school bus from riding

1 the school bus, and no action shall lie against them for such
2 suspension. The board may by policy authorize the
3 superintendent of the district or the principal, assistant
4 principal, or dean of students of any school to suspend pupils
5 guilty of such acts for a period not to exceed 10 school days.
6 If a pupil is suspended due to gross disobedience or misconduct
7 on a school bus, the board may suspend the pupil in excess of
8 10 school days for safety reasons. Any suspension shall be
9 reported immediately to the parents or guardian of such pupil
10 along with a full statement of the reasons for such suspension
11 and a notice of their right to a review. The school board must
12 be given a summary of the notice, including the reason for the
13 suspension and the suspension length. Upon request of the
14 parents or guardian the school board or a hearing officer
15 appointed by it shall review such action of the superintendent
16 or principal, assistant principal, or dean of students. At such
17 review the parents or guardian of the pupil may appear and
18 discuss the suspension with the board or its hearing officer.
19 If a hearing officer is appointed by the board he shall report
20 to the board a written summary of the evidence heard at the
21 meeting. After its hearing or upon receipt of the written
22 report of its hearing officer, the board may take such action
23 as it finds appropriate. A pupil who is suspended in excess of
24 20 school days may be immediately transferred to an alternative
25 program in the manner provided in Article 13A or 13B of this
26 Code. A pupil must not be denied transfer because of the

1 suspension, except in cases in which such transfer is deemed to
2 cause a threat to the safety of students or staff in the
3 alternative program.

4 (c) The Department of Human Services shall be invited to
5 send a representative to consult with the board at such meeting
6 whenever there is evidence that mental illness may be the cause
7 for expulsion or suspension.

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

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

24 (2) A knife, brass knuckles or other knuckle weapon
25 regardless of its composition, a billy club, or any other
26 object if used or attempted to be used to cause bodily

1 harm, including "look alike" of any firearm as defined in
2 subdivision (1) of this subsection (d). The expulsion
3 requirement under this subdivision (2) may be modified by
4 the superintendent, and the superintendent's determination
5 may be modified by the board on a case-by-case basis.

6 Expulsion or suspension shall be construed in a manner
7 consistent with the Federal Individuals with Disabilities
8 Education Act. A student who is subject to suspension or
9 expulsion as provided in this Section may be eligible for a
10 transfer to an alternative school program in accordance with
11 Article 13A of the School Code. The provisions of this
12 subsection (d) apply in all school districts, including special
13 charter districts and districts organized under Article 34.

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

1 threat could be reasonably interpreted as threatening to the
2 safety and security of the threatened individual because of his
3 or her duties or employment status or status as a student
4 inside the school. The provisions of this subsection (d-5)
5 apply in all school districts, including special charter
6 districts and districts organized under Article 34 of this
7 Code.

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

1 such evidence may be seized by school authorities, and
2 disciplinary action may be taken. School authorities may also
3 turn over such evidence to law enforcement authorities. The
4 provisions of this subsection (e) apply in all school
5 districts, including special charter districts and districts
6 organized under Article 34.

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

10 (g) A school district may adopt a policy providing that if
11 a student is suspended or expelled for any reason from any
12 public or private school in this or any other state, the
13 student must complete the entire term of the suspension or
14 expulsion in an alternative school program under Article 13A of
15 this Code or an alternative learning opportunities program
16 under Article 13B of this Code before being admitted into the
17 school district if there is no threat to the safety of students
18 or staff in the alternative program. This subsection (g)
19 applies to all school districts, including special charter
20 districts and districts organized under Article 34 of this
21 Code.

22 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
23 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
24 97-1150, eff. 1-25-13.)

25 (Text of Section after amendment by P.A. 99-456)

1 Sec. 10-22.6. Suspension or expulsion of pupils; school
2 searches.

3 (a) To expel pupils guilty of gross disobedience or
4 misconduct, including gross disobedience or misconduct
5 perpetuated by electronic means, ~~pursuant to subsection (b 20)~~
6 ~~of this Section,~~ and no action shall lie against them for such
7 expulsion. Expulsion shall take place only after the parents
8 have been requested to appear at a meeting of the board, or
9 with a hearing officer appointed by it, to discuss their
10 child's behavior. Such request shall be made by registered or
11 certified mail and shall state the time, place and purpose of
12 the meeting. The board, or a hearing officer appointed by it,
13 at such meeting shall state the reasons for dismissal and the
14 date on which the expulsion is to become effective. If a
15 hearing officer is appointed by the board he shall report to
16 the board a written summary of the evidence heard at the
17 meeting and the board may take such action thereon as it finds
18 appropriate. ~~If the board acts to expel a pupil, the written~~
19 ~~expulsion decision shall detail the specific reasons why~~
20 ~~removing the pupil from the learning environment is in the best~~
21 ~~interest of the school. The expulsion decision shall also~~
22 ~~include a rationale as to the specific duration of the~~
23 ~~expulsion.~~ An expelled pupil may be immediately transferred to
24 an alternative program in the manner provided in Article 13A or
25 13B of this Code. A pupil must not be denied transfer because
26 of the expulsion, except in cases in which such transfer is

1 deemed to cause a threat to the safety of students or staff in
2 the alternative program.

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

17 Any suspension shall be reported immediately to the
18 parents or guardian of a pupil along with a full statement of
19 the reasons for such suspension and a notice of their right to
20 a review. The school board must be given a summary of the
21 notice, including the reason for the suspension and the
22 suspension length. Upon request of the parents or guardian the
23 school board or a hearing officer appointed by it shall review
24 such action of the superintendent or principal, assistant
25 principal, or dean of students. At such review the parents or
26 guardian of the pupil may appear and discuss the suspension

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

17 (b-5) (Blank). ~~Among the many possible disciplinary~~
18 ~~interventions and consequences available to school officials,~~
19 ~~school exclusions, such as out of school suspensions and~~
20 ~~expulsions, are the most serious. School officials shall limit~~
21 ~~the number and duration of expulsions and suspensions to the~~
22 ~~greatest extent practicable, and it is recommended that they~~
23 ~~use them only for legitimate educational purposes. To ensure~~
24 ~~that students are not excluded from school unnecessarily, it is~~
25 ~~recommended that school officials consider forms of~~
26 ~~non exclusionary discipline prior to using out of school~~

1 ~~suspensions or expulsions.~~

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

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

16 (b-20) (Blank). ~~Unless otherwise required by this Code,
17 out of school suspensions of longer than 3 days, expulsions,
18 and disciplinary removals to alternative schools may be used
19 only if other appropriate and available behavioral and
20 disciplinary interventions have been exhausted and the
21 student's continuing presence in school would either (i) pose a
22 threat to the safety of other students, staff, or members of
23 the school community or (ii) substantially disrupt, impede, or
24 interfere with the operation of the school. For purposes of
25 this subsection (b-20), "threat to the safety of other
26 students, staff, or members of the school community" and~~

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

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

25 ~~A school district may refer students who are expelled to~~
26 ~~appropriate and available support services.~~

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

4 (b-30) (Blank). ~~A school district shall create a policy by~~
5 ~~which suspended pupils, including those pupils suspended from~~
6 ~~the school bus who do not have alternate transportation to~~
7 ~~school, shall have the opportunity to make up work for~~
8 ~~equivalent academic credit. It shall be the responsibility of a~~
9 ~~pupil's parent or guardian to notify school officials that a~~
10 ~~pupil suspended from the school bus does not have alternate~~
11 ~~transportation to school.~~

12 (c) The Department of Human Services shall be invited to
13 send a representative to consult with the board at such meeting
14 whenever there is evidence that mental illness may be the cause
15 for expulsion or suspension.

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

24 (d) The board may expel a student for a definite period of
25 time not to exceed 2 calendar years, as determined on a case by
26 case basis. A student who is determined to have brought one of

1 the following objects to school, any school-sponsored activity
2 or event, or any activity or event that bears a reasonable
3 relationship to school shall be expelled for a period of not
4 less than one year:

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

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

22 Expulsion or suspension shall be construed in a manner
23 consistent with the Federal Individuals with Disabilities
24 Education Act. A student who is subject to suspension or
25 expulsion as provided in this Section may be eligible for a
26 transfer to an alternative school program in accordance with

1 Article 13A of the School Code.

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

19 (e) To maintain order and security in the schools, school
20 authorities may inspect and search places and areas such as
21 lockers, desks, parking lots, and other school property and
22 equipment owned or controlled by the school, as well as
23 personal effects left in those places and areas by students,
24 without notice to or the consent of the student, and without a
25 search warrant. As a matter of public policy, the General
26 Assembly finds that students have no reasonable expectation of

1 privacy in these places and areas or in their personal effects
2 left in these places and areas. School authorities may request
3 the assistance of law enforcement officials for the purpose of
4 conducting inspections and searches of lockers, desks, parking
5 lots, and other school property and equipment owned or
6 controlled by the school for illegal drugs, weapons, or other
7 illegal or dangerous substances or materials, including
8 searches conducted through the use of specially trained dogs.
9 If a search conducted in accordance with this Section produces
10 evidence that the student has violated or is violating either
11 the law, local ordinance, or the school's policies or rules,
12 such evidence may be seized by school authorities, and
13 disciplinary action may be taken. School authorities may also
14 turn over such evidence to law enforcement authorities.

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

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

1 (h) School officials shall not advise or encourage students
2 to drop out voluntarily due to behavioral or academic
3 difficulties.

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

8 (j) Subsections (a) through (i) of this Section shall apply
9 to elementary and secondary schools in school districts with
10 less than 500,000 inhabitants;~~7~~ charter schools, whether or not
11 in a school district with less than 500,000 inhabitants; and~~7~~
12 ~~special charter districts, and school districts organized~~
13 ~~under Article 34 of this Code.~~

14 (Source: P.A. 99-456, eff. 9-15-16.)

15 (105 ILCS 5/13A-4)

16 Sec. 13A-4. Administrative transfers. A student who is
17 determined to be subject to suspension or expulsion in the
18 manner provided by Section 10-22.6 (or, in the case of a
19 student enrolled in the public schools of a school district
20 organized under Article 34, in accordance with Section 34-18.50
21 and the uniform system of discipline established under Section
22 34-19) may be immediately transferred to the alternative
23 program. At the earliest time following that transfer
24 appropriate personnel from the sending school district and
25 appropriate personnel of the alternative program shall meet to

1 develop an alternative education plan for the student. The
2 student's parent or guardian shall be invited to this meeting.
3 The student may be invited. The alternative educational plan
4 shall include, but not be limited to all of the following:

5 (1) The duration of the plan, including a date after
6 which the student may be returned to the regular
7 educational program in the public schools of the
8 transferring district. If the parent or guardian of a
9 student who is scheduled to be returned to the regular
10 education program in the public schools of the district
11 files a written objection to the return with the principal
12 of the alternative school, the matter shall be referred by
13 the principal to the regional superintendent of the
14 educational service region in which the alternative school
15 program is located for a hearing. Notice of the hearing
16 shall be given by the regional superintendent to the
17 student's parent or guardian. After the hearing, the
18 regional superintendent may take such action as he or she
19 finds appropriate and in the best interests of the student.
20 The determination of the regional superintendent shall be
21 final.

22 (2) The specific academic and behavioral components of
23 the plan.

24 (3) A method and time frame for reviewing the student's
25 progress.

26 Notwithstanding any other provision of this Article, if a

1 student for whom an individualized educational program has been
2 developed under Article 14 is transferred to an alternative
3 school program under this Article 13A, that individualized
4 educational program shall continue to apply to that student
5 following the transfer unless modified in accordance with the
6 provisions of Article 14.

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

8 (105 ILCS 5/13B-20.25)

9 Sec. 13B-20.25. Eligible students. Students in grades 4
10 through 12 who meet enrollment criteria established by the
11 school district and who meet the definition of "student at risk
12 of academic failure" are eligible to participate in an
13 alternative learning opportunities program funded under this
14 Article. Notwithstanding any other provision of law to the
15 contrary, enrollment in a charter alternative learning
16 opportunities program shall be open to any pupil who has been
17 expelled or suspended for more than 20 days under Section
18 10-22.6 or Sections 34-18.50 and 34-19 of this Code. All rights
19 granted under this Article to a student's parent or guardian
20 become exclusively those of the student upon the student's 18th
21 birthday.

22 (Source: P.A. 97-495, eff. 1-1-12.)

23 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

24 Sec. 26-2. Enrolled pupils not of compulsory school age.

1 (a) For school years before the 2014-2015 school year, any
2 person having custody or control of a child who is below the
3 age of 7 years or is 17 years of age or above and who is
4 enrolled in any of grades kindergarten through 12 in the public
5 school shall cause him to attend the public school in the
6 district wherein he resides when it is in session during the
7 regular school term, unless he is excused under paragraph 2, 3,
8 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015 school
9 year, any person having custody or control of a child who is
10 below the age of 6 years or is 17 years of age or above and who
11 is enrolled in any of grades kindergarten through 12 in the
12 public school shall cause the child to attend the public school
13 in the district wherein he or she resides when it is in session
14 during the regular school term, unless the child is excused
15 under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code.

16 (b) A school district shall deny reenrollment in its
17 secondary schools to any child 19 years of age or above who has
18 dropped out of school and who could not, because of age and
19 lack of credits, attend classes during the normal school year
20 and graduate before his or her twenty-first birthday. A
21 district may, however, enroll the child in a graduation
22 incentives program under Section 26-16 of this Code or an
23 alternative learning opportunities program established under
24 Article 13B. No child shall be denied reenrollment for the
25 above reasons unless the school district first offers the child
26 due process as required in cases of expulsion under Section

1 10-22.6 or 34-18.50. If a child is denied reenrollment after
2 being provided with due process, the school district must
3 provide counseling to that child and must direct that child to
4 alternative educational programs, including adult education
5 programs, that lead to graduation or receipt of a high school
6 equivalency certificate.

7 (c) A school or school district may deny enrollment to a
8 student 17 years of age or older for one semester for failure
9 to meet minimum academic standards if all of the following
10 conditions are met:

11 (1) The student achieved a grade point average of less
12 than "D" (or its equivalent) in the semester immediately
13 prior to the current semester.

14 (2) The student and the student's parent or guardian
15 are given written notice warning that the student is
16 failing academically and is subject to denial from
17 enrollment for one semester unless a "D" average (or its
18 equivalent) or better is attained in the current semester.

19 (3) The parent or guardian is provided with the right
20 to appeal the notice, as determined by the State Board of
21 Education in accordance with due process.

22 (4) The student is provided with an academic
23 improvement plan and academic remediation services.

24 (5) The student fails to achieve a "D" average (or its
25 equivalent) or better in the current semester.

26 A school or school district may deny enrollment to a

1 student 17 years of age or older for one semester for failure
2 to meet minimum attendance standards if all of the following
3 conditions are met:

4 (1) The student was absent without valid cause for 20%
5 or more of the attendance days in the semester immediately
6 prior to the current semester.

7 (2) The student and the student's parent or guardian
8 are given written notice warning that the student is
9 subject to denial from enrollment for one semester unless
10 the student is absent without valid cause less than 20% of
11 the attendance days in the current semester.

12 (3) The student's parent or guardian is provided with
13 the right to appeal the notice, as determined by the State
14 Board of Education in accordance with due process.

15 (4) The student is provided with attendance
16 remediation services, including without limitation
17 assessment, counseling, and support services.

18 (5) The student is absent without valid cause for 20%
19 or more of the attendance days in the current semester.

20 A school or school district may not deny enrollment to a
21 student (or reenrollment to a dropout) who is at least 17 years
22 of age or older but below 19 years for more than one
23 consecutive semester for failure to meet academic or attendance
24 standards.

25 (d) No child may be denied enrollment or reenrollment under
26 this Section in violation of the Individuals with Disabilities

1 Education Act or the Americans with Disabilities Act.

2 (e) In this subsection (e), "reenrolled student" means a
3 dropout who has reenrolled full-time in a public school. Each
4 school district shall identify, track, and report on the
5 educational progress and outcomes of reenrolled students as a
6 subset of the district's required reporting on all enrollments.
7 A reenrolled student who again drops out must not be counted
8 again against a district's dropout rate performance measure.
9 The State Board of Education shall set performance standards
10 for programs serving reenrolled students.

11 (f) The State Board of Education shall adopt any rules
12 necessary to implement the changes to this Section made by
13 Public Act 93-803.

14 (Source: P.A. 98-544, eff. 7-1-14; 98-718, eff. 1-1-15.)

15 (105 ILCS 5/26-16)

16 Sec. 26-16. Graduation incentives program.

17 (a) The General Assembly finds that it is critical to
18 provide options for children to succeed in school. The purpose
19 of this Section is to provide incentives for and encourage all
20 Illinois students who have experienced or are experiencing
21 difficulty in the traditional education system to enroll in
22 alternative programs.

23 (b) Any student who is below the age of 20 years is
24 eligible to enroll in a graduation incentives program if he or
25 she:

1 (1) is considered a dropout pursuant to Section 26-2a
2 of this Code;

3 (2) has been suspended or expelled pursuant to Section
4 10-22.6 or Sections 34-18.50 and 34-19 of this Code;

5 (3) is pregnant or is a parent;

6 (4) has been assessed as chemically dependent; or

7 (5) is enrolled in a bilingual education or LEP
8 program.

9 (c) The following programs qualify as graduation
10 incentives programs for students meeting the criteria
11 established in this Section:

12 (1) Any public elementary or secondary education
13 graduation incentives program established by a school
14 district or by a regional office of education.

15 (2) Any alternative learning opportunities program
16 established pursuant to Article 13B of this Code.

17 (3) Vocational or job training courses approved by the
18 State Superintendent of Education that are available
19 through the Illinois public community college system.
20 Students may apply for reimbursement of 50% of tuition
21 costs for one course per semester or a maximum of 3 courses
22 per school year. Subject to available funds, students may
23 apply for reimbursement of up to 100% of tuition costs upon
24 a showing of employment within 6 months after completion of
25 a vocational or job training program. The qualifications
26 for reimbursement shall be established by the State

1 Superintendent of Education by rule.

2 (4) Job and career programs approved by the State
3 Superintendent of Education that are available through
4 Illinois-accredited private business and vocational
5 schools. Subject to available funds, pupils may apply for
6 reimbursement of up to 100% of tuition costs upon a showing
7 of employment within 6 months after completion of a job or
8 career program. The State Superintendent of Education
9 shall establish, by rule, the qualifications for
10 reimbursement, criteria for determining reimbursement
11 amounts, and limits on reimbursement.

12 (5) Adult education courses that offer preparation for
13 high school equivalency testing.

14 (d) Graduation incentives programs established by school
15 districts are entitled to claim general State aid, subject to
16 Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code.
17 Graduation incentives programs operated by regional offices of
18 education are entitled to receive general State aid at the
19 foundation level of support per pupil enrolled. A school
20 district must ensure that its graduation incentives program
21 receives supplemental general State aid, transportation
22 reimbursements, and special education resources, if
23 appropriate, for students enrolled in the program.

24 (Source: P.A. 98-718, eff. 1-1-15.)

25 (105 ILCS 5/27A-5)

1 (Text of Section before amendment by P.A. 99-456)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,
4 nonreligious, non-home based, and non-profit school. A charter
5 school shall be organized and operated as a nonprofit
6 corporation or other discrete, legal, nonprofit entity
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article
9 by creating a new school or by converting an existing public
10 school or attendance center to charter school status. Beginning
11 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~
12 ~~amendatory Act of the 93rd General Assembly~~, in all new
13 applications to establish a charter school in a city having a
14 population exceeding 500,000, operation of the charter school
15 shall be limited to one campus. The changes made to this
16 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~
17 ~~General Assembly~~ do not apply to charter schools existing or
18 approved on or before April 16, 2003 (the effective date of
19 Public Act 93-3) ~~this amendatory Act~~.

20 (b-5) In this subsection (b-5), "virtual-schooling" means
21 a cyber school where students engage in online curriculum and
22 instruction via the Internet and electronic communication with
23 their teachers at remote locations and with students
24 participating at different times.

25 From April 1, 2013 through December 31, 2016, there is a
26 moratorium on the establishment of charter schools with

1 virtual-schooling components in school districts other than a
2 school district organized under Article 34 of this Code. This
3 moratorium does not apply to a charter school with
4 virtual-schooling components existing or approved prior to
5 April 1, 2013 or to the renewal of the charter of a charter
6 school with virtual-schooling components already approved
7 prior to April 1, 2013.

8 On or before March 1, 2014, the Commission shall submit to
9 the General Assembly a report on the effect of
10 virtual-schooling, including without limitation the effect on
11 student performance, the costs associated with
12 virtual-schooling, and issues with oversight. The report shall
13 include policy recommendations for virtual-schooling.

14 (c) A charter school shall be administered and governed by
15 its board of directors or other governing body in the manner
16 provided in its charter. The governing body of a charter school
17 shall be subject to the Freedom of Information Act and the Open
18 Meetings Act.

19 (d) For purposes of this subsection (d), "non-curricular
20 health and safety requirement" means any health and safety
21 requirement created by statute or rule to provide, maintain,
22 preserve, or safeguard safe or healthful conditions for
23 students and school personnel or to eliminate, reduce, or
24 prevent threats to the health and safety of students and school
25 personnel. "Non-curricular health and safety requirement" does
26 not include any course of study or specialized instructional

1 requirement for which the State Board has established goals and
2 learning standards or which is designed primarily to impart
3 knowledge and skills for students to master and apply as an
4 outcome of their education.

5 A charter school shall comply with all non-curricular
6 health and safety requirements applicable to public schools
7 under the laws of the State of Illinois. On or before September
8 1, 2015, the State Board shall promulgate and post on its
9 Internet website a list of non-curricular health and safety
10 requirements that a charter school must meet. The list shall be
11 updated annually no later than September 1. Any charter
12 contract between a charter school and its authorizer must
13 contain a provision that requires the charter school to follow
14 the list of all non-curricular health and safety requirements
15 promulgated by the State Board and any non-curricular health
16 and safety requirements added by the State Board to such list
17 during the term of the charter. Nothing in this subsection (d)
18 precludes an authorizer from including non-curricular health
19 and safety requirements in a charter school contract that are
20 not contained in the list promulgated by the State Board,
21 including non-curricular health and safety requirements of the
22 authorizing local school board.

23 (e) Except as otherwise provided in the School Code, a
24 charter school shall not charge tuition; provided that a
25 charter school may charge reasonable fees for textbooks,
26 instructional materials, and student activities.

1 (f) A charter school shall be responsible for the
2 management and operation of its fiscal affairs including, but
3 not limited to, the preparation of its budget. An audit of each
4 charter school's finances shall be conducted annually by an
5 outside, independent contractor retained by the charter
6 school. To ensure financial accountability for the use of
7 public funds, on or before December 1 of every year of
8 operation, each charter school shall submit to its authorizer
9 and the State Board a copy of its audit and a copy of the Form
10 990 the charter school filed that year with the federal
11 Internal Revenue Service. In addition, if deemed necessary for
12 proper financial oversight of the charter school, an authorizer
13 may require quarterly financial statements from each charter
14 school.

15 (g) A charter school shall comply with all provisions of
16 this Article, the Illinois Educational Labor Relations Act, all
17 federal and State laws and rules applicable to public schools
18 that pertain to special education and the instruction of
19 English learners, and its charter. A charter school is exempt
20 from all other State laws and regulations in this Code
21 governing public schools and local school board policies;
22 however, a charter school is not exempt from the following:

23 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
24 criminal history records checks and checks of the Statewide
25 Sex Offender Database and Statewide Murderer and Violent
26 Offender Against Youth Database of applicants for

1 employment;

2 (2) Sections 24-24 and 34-84A of this Code regarding
3 discipline of students;

4 (3) the Local Governmental and Governmental Employees
5 Tort Immunity Act;

6 (4) Section 108.75 of the General Not For Profit
7 Corporation Act of 1986 regarding indemnification of
8 officers, directors, employees, and agents;

9 (5) the Abused and Neglected Child Reporting Act;

10 (6) the Illinois School Student Records Act;

11 (7) Section 10-17a of this Code regarding school report
12 cards;

13 (8) the P-20 Longitudinal Education Data System Act;

14 (9) Section 27-23.7 of this Code regarding bullying
15 prevention; ~~and~~

16 (10) Section 2-3.162 of this Code regarding student
17 discipline reporting; and

18 (11) Section 22-80 of this Code.

19 The change made by Public Act 96-104 to this subsection (g)
20 is declaratory of existing law.

21 (h) A charter school may negotiate and contract with a
22 school district, the governing body of a State college or
23 university or public community college, or any other public or
24 for-profit or nonprofit private entity for: (i) the use of a
25 school building and grounds or any other real property or
26 facilities that the charter school desires to use or convert

1 for use as a charter school site, (ii) the operation and
2 maintenance thereof, and (iii) the provision of any service,
3 activity, or undertaking that the charter school is required to
4 perform in order to carry out the terms of its charter.
5 However, a charter school that is established on or after April
6 16, 2003 (the effective date of Public Act 93-3) ~~this~~
7 ~~amendatory Act of the 93rd General Assembly~~ and that operates
8 in a city having a population exceeding 500,000 may not
9 contract with a for-profit entity to manage or operate the
10 school during the period that commences on April 16, 2003 (the
11 effective date of Public Act 93-3) ~~this amendatory Act of the~~
12 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005
13 school year. Except as provided in subsection (i) of this
14 Section, a school district may charge a charter school
15 reasonable rent for the use of the district's buildings,
16 grounds, and facilities. Any services for which a charter
17 school contracts with a school district shall be provided by
18 the district at cost. Any services for which a charter school
19 contracts with a local school board or with the governing body
20 of a State college or university or public community college
21 shall be provided by the public entity at cost.

22 (i) In no event shall a charter school that is established
23 by converting an existing school or attendance center to
24 charter school status be required to pay rent for space that is
25 deemed available, as negotiated and provided in the charter
26 agreement, in school district facilities. However, all other

1 costs for the operation and maintenance of school district
2 facilities that are used by the charter school shall be subject
3 to negotiation between the charter school and the local school
4 board and shall be set forth in the charter.

5 (j) A charter school may limit student enrollment by age or
6 grade level.

7 (k) If the charter school is approved by the Commission,
8 then the Commission charter school is its own local education
9 agency.

10 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
11 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
12 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
13 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
14 8-10-15; revised 10-19-15.)

15 (Text of Section after amendment by P.A. 99-456)

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21 authorized under the laws of the State of Illinois.

22 (b) A charter school may be established under this Article
23 by creating a new school or by converting an existing public
24 school or attendance center to charter school status. Beginning
25 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~

1 ~~amendatory Act of the 93rd General Assembly~~, in all new
2 applications to establish a charter school in a city having a
3 population exceeding 500,000, operation of the charter school
4 shall be limited to one campus. The changes made to this
5 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~
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7 approved on or before April 16, 2003 (the effective date of
8 Public Act 93-3) ~~this amendatory Act~~.

9 (b-5) In this subsection (b-5), "virtual-schooling" means
10 a cyber school where students engage in online curriculum and
11 instruction via the Internet and electronic communication with
12 their teachers at remote locations and with students
13 participating at different times.

14 From April 1, 2013 through December 31, 2016, there is a
15 moratorium on the establishment of charter schools with
16 virtual-schooling components in school districts other than a
17 school district organized under Article 34 of this Code. This
18 moratorium does not apply to a charter school with
19 virtual-schooling components existing or approved prior to
20 April 1, 2013 or to the renewal of the charter of a charter
21 school with virtual-schooling components already approved
22 prior to April 1, 2013.

23 On or before March 1, 2014, the Commission shall submit to
24 the General Assembly a report on the effect of
25 virtual-schooling, including without limitation the effect on
26 student performance, the costs associated with

1 virtual-schooling, and issues with oversight. The report shall
2 include policy recommendations for virtual-schooling.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter school
6 shall be subject to the Freedom of Information Act and the Open
7 Meetings Act.

8 (d) For purposes of this subsection (d), "non-curricular
9 health and safety requirement" means any health and safety
10 requirement created by statute or rule to provide, maintain,
11 preserve, or safeguard safe or healthful conditions for
12 students and school personnel or to eliminate, reduce, or
13 prevent threats to the health and safety of students and school
14 personnel. "Non-curricular health and safety requirement" does
15 not include any course of study or specialized instructional
16 requirement for which the State Board has established goals and
17 learning standards or which is designed primarily to impart
18 knowledge and skills for students to master and apply as an
19 outcome of their education.

20 A charter school shall comply with all non-curricular
21 health and safety requirements applicable to public schools
22 under the laws of the State of Illinois. On or before September
23 1, 2015, the State Board shall promulgate and post on its
24 Internet website a list of non-curricular health and safety
25 requirements that a charter school must meet. The list shall be
26 updated annually no later than September 1. Any charter

1 contract between a charter school and its authorizer must
2 contain a provision that requires the charter school to follow
3 the list of all non-curricular health and safety requirements
4 promulgated by the State Board and any non-curricular health
5 and safety requirements added by the State Board to such list
6 during the term of the charter. Nothing in this subsection (d)
7 precludes an authorizer from including non-curricular health
8 and safety requirements in a charter school contract that are
9 not contained in the list promulgated by the State Board,
10 including non-curricular health and safety requirements of the
11 authorizing local school board.

12 (e) Except as otherwise provided in the School Code, a
13 charter school shall not charge tuition; provided that a
14 charter school may charge reasonable fees for textbooks,
15 instructional materials, and student activities.

16 (f) A charter school shall be responsible for the
17 management and operation of its fiscal affairs including, but
18 not limited to, the preparation of its budget. An audit of each
19 charter school's finances shall be conducted annually by an
20 outside, independent contractor retained by the charter
21 school. To ensure financial accountability for the use of
22 public funds, on or before December 1 of every year of
23 operation, each charter school shall submit to its authorizer
24 and the State Board a copy of its audit and a copy of the Form
25 990 the charter school filed that year with the federal
26 Internal Revenue Service. In addition, if deemed necessary for

1 proper financial oversight of the charter school, an authorizer
2 may require quarterly financial statements from each charter
3 school.

4 (g) A charter school shall comply with all provisions of
5 this Article, the Illinois Educational Labor Relations Act, all
6 federal and State laws and rules applicable to public schools
7 that pertain to special education and the instruction of
8 English learners, and its charter. A charter school is exempt
9 from all other State laws and regulations in this Code
10 governing public schools and local school board policies;
11 however, a charter school is not exempt from the following:

12 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
13 criminal history records checks and checks of the Statewide
14 Sex Offender Database and Statewide Murderer and Violent
15 Offender Against Youth Database of applicants for
16 employment;

17 (2) Sections 10-20.14, 10-22.6, 24-24, ~~34-19~~, and
18 34-84a of this Code regarding discipline of students;

19 (3) the Local Governmental and Governmental Employees
20 Tort Immunity Act;

21 (4) Section 108.75 of the General Not For Profit
22 Corporation Act of 1986 regarding indemnification of
23 officers, directors, employees, and agents;

24 (5) the Abused and Neglected Child Reporting Act;

25 (6) the Illinois School Student Records Act;

26 (7) Section 10-17a of this Code regarding school report

1 cards;

2 (8) the P-20 Longitudinal Education Data System Act;

3 (9) Section 27-23.7 of this Code regarding bullying
4 prevention; ~~and~~

5 (10) Section 2-3.162 of this Code regarding student
6 discipline reporting; and

7 (11) Section 22-80 of this Code.

8 The change made by Public Act 96-104 to this subsection (g)
9 is declaratory of existing law.

10 (h) A charter school may negotiate and contract with a
11 school district, the governing body of a State college or
12 university or public community college, or any other public or
13 for-profit or nonprofit private entity for: (i) the use of a
14 school building and grounds or any other real property or
15 facilities that the charter school desires to use or convert
16 for use as a charter school site, (ii) the operation and
17 maintenance thereof, and (iii) the provision of any service,
18 activity, or undertaking that the charter school is required to
19 perform in order to carry out the terms of its charter.
20 However, a charter school that is established on or after April
21 16, 2003 (the effective date of Public Act 93-3) ~~this~~
22 ~~amendatory Act of the 93rd General Assembly~~ and that operates
23 in a city having a population exceeding 500,000 may not
24 contract with a for-profit entity to manage or operate the
25 school during the period that commences on April 16, 2003 (the
26 effective date of Public Act 93-3) ~~this amendatory Act of the~~

1 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005
2 school year. Except as provided in subsection (i) of this
3 Section, a school district may charge a charter school
4 reasonable rent for the use of the district's buildings,
5 grounds, and facilities. Any services for which a charter
6 school contracts with a school district shall be provided by
7 the district at cost. Any services for which a charter school
8 contracts with a local school board or with the governing body
9 of a State college or university or public community college
10 shall be provided by the public entity at cost.

11 (i) In no event shall a charter school that is established
12 by converting an existing school or attendance center to
13 charter school status be required to pay rent for space that is
14 deemed available, as negotiated and provided in the charter
15 agreement, in school district facilities. However, all other
16 costs for the operation and maintenance of school district
17 facilities that are used by the charter school shall be subject
18 to negotiation between the charter school and the local school
19 board and shall be set forth in the charter.

20 (j) A charter school may limit student enrollment by age or
21 grade level.

22 (k) If the charter school is approved by the Commission,
23 then the Commission charter school is its own local education
24 agency.

25 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
26 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;

1 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
2 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
3 8-10-15; 99-456, eff. 9-15-16; revised 10-19-15.)

4 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

5 Sec. 34-2.3. Local school councils - Powers and duties.
6 Each local school council shall have and exercise, consistent
7 with the provisions of this Article and the powers and duties
8 of the board of education, the following powers and duties:

9 1. (A) To annually evaluate the performance of the
10 principal of the attendance center using a Board approved
11 principal evaluation form, which shall include the evaluation
12 of (i) student academic improvement, as defined by the school
13 improvement plan, (ii) student absenteeism rates at the school,
14 (iii) instructional leadership, (iv) the effective
15 implementation of programs, policies, or strategies to improve
16 student academic achievement, (v) school management, and (vi)
17 any other factors deemed relevant by the local school council,
18 including, without limitation, the principal's communication
19 skills and ability to create and maintain a student-centered
20 learning environment, to develop opportunities for
21 professional development, and to encourage parental
22 involvement and community partnerships to achieve school
23 improvement;

24 (B) to determine in the manner provided by subsection (c)
25 of Section 34-2.2 and subdivision 1.5 of this Section whether

1 the performance contract of the principal shall be renewed; and

2 (C) to directly select, in the manner provided by
3 subsection (c) of Section 34-2.2, a new principal (including a
4 new principal to fill a vacancy) -- without submitting any list
5 of candidates for that position to the general superintendent
6 as provided in paragraph 2 of this Section -- to serve under a
7 4 year performance contract; provided that (i) the
8 determination of whether the principal's performance contract
9 is to be renewed, based upon the evaluation required by
10 subdivision 1.5 of this Section, shall be made no later than
11 150 days prior to the expiration of the current
12 performance-based contract of the principal, (ii) in cases
13 where such performance contract is not renewed -- a direct
14 selection of a new principal -- to serve under a 4 year
15 performance contract shall be made by the local school council
16 no later than 45 days prior to the expiration of the current
17 performance contract of the principal, and (iii) a selection by
18 the local school council of a new principal to fill a vacancy
19 under a 4 year performance contract shall be made within 90
20 days after the date such vacancy occurs. A Council shall be
21 required, if requested by the principal, to provide in writing
22 the reasons for the council's not renewing the principal's
23 contract.

24 1.5. The local school council's determination of whether to
25 renew the principal's contract shall be based on an evaluation
26 to assess the educational and administrative progress made at

1 the school during the principal's current performance-based
2 contract. The local school council shall base its evaluation on
3 (i) student academic improvement, as defined by the school
4 improvement plan, (ii) student absenteeism rates at the school,
5 (iii) instructional leadership, (iv) the effective
6 implementation of programs, policies, or strategies to improve
7 student academic achievement, (v) school management, and (vi)
8 any other factors deemed relevant by the local school council,
9 including, without limitation, the principal's communication
10 skills and ability to create and maintain a student-centered
11 learning environment, to develop opportunities for
12 professional development, and to encourage parental
13 involvement and community partnerships to achieve school
14 improvement. If a local school council fails to renew the
15 performance contract of a principal rated by the general
16 superintendent, or his or her designee, in the previous years'
17 evaluations as meeting or exceeding expectations, the
18 principal, within 15 days after the local school council's
19 decision not to renew the contract, may request a review of the
20 local school council's principal non-retention decision by a
21 hearing officer appointed by the American Arbitration
22 Association. A local school council member or members or the
23 general superintendent may support the principal's request for
24 review. During the period of the hearing officer's review of
25 the local school council's decision on whether or not to retain
26 the principal, the local school council shall maintain all

1 authority to search for and contract with a person to serve as
2 interim or acting principal, or as the principal of the
3 attendance center under a 4-year performance contract,
4 provided that any performance contract entered into by the
5 local school council shall be voidable or modified in
6 accordance with the decision of the hearing officer. The
7 principal may request review only once while at that attendance
8 center. If a local school council renews the contract of a
9 principal who failed to obtain a rating of "meets" or "exceeds
10 expectations" in the general superintendent's evaluation for
11 the previous year, the general superintendent, within 15 days
12 after the local school council's decision to renew the
13 contract, may request a review of the local school council's
14 principal retention decision by a hearing officer appointed by
15 the American Arbitration Association. The general
16 superintendent may request a review only once for that
17 principal at that attendance center. All requests to review the
18 retention or non-retention of a principal shall be submitted to
19 the general superintendent, who shall, in turn, forward such
20 requests, within 14 days of receipt, to the American
21 Arbitration Association. The general superintendent shall send
22 a contemporaneous copy of the request that was forwarded to the
23 American Arbitration Association to the principal and to each
24 local school council member and shall inform the local school
25 council of its rights and responsibilities under the
26 arbitration process, including the local school council's

1 right to representation and the manner and process by which the
2 Board shall pay the costs of the council's representation. If
3 the local school council retains the principal and the general
4 superintendent requests a review of the retention decision, the
5 local school council and the general superintendent shall be
6 considered parties to the arbitration, a hearing officer shall
7 be chosen between those 2 parties pursuant to procedures
8 promulgated by the State Board of Education, and the principal
9 may retain counsel and participate in the arbitration. If the
10 local school council does not retain the principal and the
11 principal requests a review of the retention decision, the
12 local school council and the principal shall be considered
13 parties to the arbitration and a hearing officer shall be
14 chosen between those 2 parties pursuant to procedures
15 promulgated by the State Board of Education. The hearing shall
16 begin (i) within 45 days after the initial request for review
17 is submitted by the principal to the general superintendent or
18 (ii) if the initial request for review is made by the general
19 superintendent, within 45 days after that request is mailed to
20 the American Arbitration Association. The hearing officer
21 shall render a decision within 45 days after the hearing begins
22 and within 90 days after the initial request for review. The
23 Board shall contract with the American Arbitration Association
24 for all of the hearing officer's reasonable and necessary
25 costs. In addition, the Board shall pay any reasonable costs
26 incurred by a local school council for representation before a

1 hearing officer.

2 1.10. The hearing officer shall conduct a hearing, which
3 shall include (i) a review of the principal's performance,
4 evaluations, and other evidence of the principal's service at
5 the school, (ii) reasons provided by the local school council
6 for its decision, and (iii) documentation evidencing views of
7 interested persons, including, without limitation, students,
8 parents, local school council members, school faculty and
9 staff, the principal, the general superintendent or his or her
10 designee, and members of the community. The burden of proof in
11 establishing that the local school council's decision was
12 arbitrary and capricious shall be on the party requesting the
13 arbitration, and this party shall sustain the burden by a
14 preponderance of the evidence. The hearing officer shall set
15 the local school council decision aside if that decision, in
16 light of the record developed at the hearing, is arbitrary and
17 capricious. The decision of the hearing officer may not be
18 appealed to the Board or the State Board of Education. If the
19 hearing officer decides that the principal shall be retained,
20 the retention period shall not exceed 2 years.

21 2. In the event (i) the local school council does not renew
22 the performance contract of the principal, or the principal
23 fails to receive a satisfactory rating as provided in
24 subsection (h) of Section 34-8.3, or the principal is removed
25 for cause during the term of his or her performance contract in
26 the manner provided by Section 34-85, or a vacancy in the

1 position of principal otherwise occurs prior to the expiration
2 of the term of a principal's performance contract, and (ii) the
3 local school council fails to directly select a new principal
4 to serve under a 4 year performance contract, the local school
5 council in such event shall submit to the general
6 superintendent a list of 3 candidates -- listed in the local
7 school council's order of preference -- for the position of
8 principal, one of which shall be selected by the general
9 superintendent to serve as principal of the attendance center.
10 If the general superintendent fails or refuses to select one of
11 the candidates on the list to serve as principal within 30 days
12 after being furnished with the candidate list, the general
13 superintendent shall select and place a principal on an interim
14 basis (i) for a period not to exceed one year or (ii) until the
15 local school council selects a new principal with 7 affirmative
16 votes as provided in subsection (c) of Section 34-2.2,
17 whichever occurs first. If the local school council fails or
18 refuses to select and appoint a new principal, as specified by
19 subsection (c) of Section 34-2.2, the general superintendent
20 may select and appoint a new principal on an interim basis for
21 an additional year or until a new contract principal is
22 selected by the local school council. There shall be no
23 discrimination on the basis of race, sex, creed, color or
24 disability unrelated to ability to perform in connection with
25 the submission of candidates for, and the selection of a
26 candidate to serve as principal of an attendance center. No

1 person shall be directly selected, listed as a candidate for,
2 or selected to serve as principal of an attendance center (i)
3 if such person has been removed for cause from employment by
4 the Board or (ii) if such person does not hold a valid
5 administrative certificate issued or exchanged under Article
6 21 and endorsed as required by that Article for the position of
7 principal. A principal whose performance contract is not
8 renewed as provided under subsection (c) of Section 34-2.2 may
9 nevertheless, if otherwise qualified and certified as herein
10 provided and if he or she has received a satisfactory rating as
11 provided in subsection (h) of Section 34-8.3, be included by a
12 local school council as one of the 3 candidates listed in order
13 of preference on any candidate list from which one person is to
14 be selected to serve as principal of the attendance center
15 under a new performance contract. The initial candidate list
16 required to be submitted by a local school council to the
17 general superintendent in cases where the local school council
18 does not renew the performance contract of its principal and
19 does not directly select a new principal to serve under a 4
20 year performance contract shall be submitted not later than 30
21 days prior to the expiration of the current performance
22 contract. In cases where the local school council fails or
23 refuses to submit the candidate list to the general
24 superintendent no later than 30 days prior to the expiration of
25 the incumbent principal's contract, the general superintendent
26 may appoint a principal on an interim basis for a period not to

1 exceed one year, during which time the local school council
2 shall be able to select a new principal with 7 affirmative
3 votes as provided in subsection (c) of Section 34-2.2. In cases
4 where a principal is removed for cause or a vacancy otherwise
5 occurs in the position of principal and the vacancy is not
6 filled by direct selection by the local school council, the
7 candidate list shall be submitted by the local school council
8 to the general superintendent within 90 days after the date
9 such removal or vacancy occurs. In cases where the local school
10 council fails or refuses to submit the candidate list to the
11 general superintendent within 90 days after the date of the
12 vacancy, the general superintendent may appoint a principal on
13 an interim basis for a period of one year, during which time
14 the local school council shall be able to select a new
15 principal with 7 affirmative votes as provided in subsection
16 (c) of Section 34-2.2.

17 2.5. Whenever a vacancy in the office of a principal occurs
18 for any reason, the vacancy shall be filled in the manner
19 provided by this Section by the selection of a new principal to
20 serve under a 4 year performance contract.

21 3. To establish additional criteria to be included as part
22 of the performance contract of its principal, provided that
23 such additional criteria shall not discriminate on the basis of
24 race, sex, creed, color or disability unrelated to ability to
25 perform, and shall not be inconsistent with the uniform 4 year
26 performance contract for principals developed by the board as

1 provided in Section 34-8.1 of the School Code or with other
2 provisions of this Article governing the authority and
3 responsibility of principals.

4 4. To approve the expenditure plan prepared by the
5 principal with respect to all funds allocated and distributed
6 to the attendance center by the Board. The expenditure plan
7 shall be administered by the principal. Notwithstanding any
8 other provision of this Act or any other law, any expenditure
9 plan approved and administered under this Section 34-2.3 shall
10 be consistent with and subject to the terms of any contract for
11 services with a third party entered into by the Chicago School
12 Reform Board of Trustees or the board under this Act.

13 Via a supermajority vote of 7 members of the local school
14 council or 8 members of a high school local school council, the
15 Council may transfer allocations pursuant to Section 34-2.3
16 within funds; provided that such a transfer is consistent with
17 applicable law and collective bargaining agreements.

18 Beginning in fiscal year 1991 and in each fiscal year
19 thereafter, the Board may reserve up to 1% of its total fiscal
20 year budget for distribution on a prioritized basis to schools
21 throughout the school system in order to assure adequate
22 programs to meet the needs of special student populations as
23 determined by the Board. This distribution shall take into
24 account the needs catalogued in the Systemwide Plan and the
25 various local school improvement plans of the local school
26 councils. Information about these centrally funded programs

1 shall be distributed to the local school councils so that their
2 subsequent planning and programming will account for these
3 provisions.

4 Beginning in fiscal year 1991 and in each fiscal year
5 thereafter, from other amounts available in the applicable
6 fiscal year budget, the board shall allocate a lump sum amount
7 to each local school based upon such formula as the board shall
8 determine taking into account the special needs of the student
9 body. The local school principal shall develop an expenditure
10 plan in consultation with the local school council, the
11 professional personnel leadership committee and with all other
12 school personnel, which reflects the priorities and activities
13 as described in the school's local school improvement plan and
14 is consistent with applicable law and collective bargaining
15 agreements and with board policies and standards; however, the
16 local school council shall have the right to request waivers of
17 board policy from the board of education and waivers of
18 employee collective bargaining agreements pursuant to Section
19 34-8.1a.

20 The expenditure plan developed by the principal with
21 respect to amounts available from the fund for prioritized
22 special needs programs and the allocated lump sum amount must
23 be approved by the local school council.

24 The lump sum allocation shall take into account the
25 following principles:

26 a. Teachers: Each school shall be allocated funds equal

1 to the amount appropriated in the previous school year for
2 compensation for teachers (regular grades kindergarten
3 through 12th grade) plus whatever increases in
4 compensation have been negotiated contractually or through
5 longevity as provided in the negotiated agreement.
6 Adjustments shall be made due to layoff or reduction in
7 force, lack of funds or work, change in subject
8 requirements, enrollment changes, or contracts with third
9 parties for the performance of services or to rectify any
10 inconsistencies with system-wide allocation formulas or
11 for other legitimate reasons.

12 b. Other personnel: Funds for other teacher
13 certificated and uncertificated personnel paid through
14 non-categorical funds shall be provided according to
15 system-wide formulas based on student enrollment and the
16 special needs of the school as determined by the Board.

17 c. Non-compensation items: Appropriations for all
18 non-compensation items shall be based on system-wide
19 formulas based on student enrollment and on the special
20 needs of the school or factors related to the physical
21 plant, including but not limited to textbooks, electronic
22 textbooks and the technological equipment necessary to
23 gain access to and use electronic textbooks, supplies,
24 electricity, equipment, and routine maintenance.

25 d. Funds for categorical programs: Schools shall
26 receive personnel and funds based on, and shall use such

1 personnel and funds in accordance with State and Federal
2 requirements applicable to each categorical program
3 provided to meet the special needs of the student body
4 (including but not limited to, Federal Chapter I,
5 Bilingual, and Special Education).

6 d.1. Funds for State Title I: Each school shall receive
7 funds based on State and Board requirements applicable to
8 each State Title I pupil provided to meet the special needs
9 of the student body. Each school shall receive the
10 proportion of funds as provided in Section 18-8 to which
11 they are entitled. These funds shall be spent only with the
12 budgetary approval of the Local School Council as provided
13 in Section 34-2.3.

14 e. The Local School Council shall have the right to
15 request the principal to close positions and open new ones
16 consistent with the provisions of the local school
17 improvement plan provided that these decisions are
18 consistent with applicable law and collective bargaining
19 agreements. If a position is closed, pursuant to this
20 paragraph, the local school shall have for its use the
21 system-wide average compensation for the closed position.

22 f. Operating within existing laws and collective
23 bargaining agreements, the local school council shall have
24 the right to direct the principal to shift expenditures
25 within funds.

26 g. (Blank).

1 Any funds unexpended at the end of the fiscal year shall be
2 available to the board of education for use as part of its
3 budget for the following fiscal year.

4 5. To make recommendations to the principal concerning
5 textbook selection and concerning curriculum developed
6 pursuant to the school improvement plan which is consistent
7 with systemwide curriculum objectives in accordance with
8 Sections 34-8 and 34-18 of the School Code and in conformity
9 with the collective bargaining agreement.

10 6. To advise the principal concerning the attendance and
11 disciplinary policies for the attendance center, subject to the
12 provisions of this Article and Article 26, and consistent with
13 Section 34-18.50 and the uniform system of discipline
14 established by the board pursuant to Section 34-19.

15 7. To approve a school improvement plan developed as
16 provided in Section 34-2.4. The process and schedule for plan
17 development shall be publicized to the entire school community,
18 and the community shall be afforded the opportunity to make
19 recommendations concerning the plan. At least twice a year the
20 principal and local school council shall report publicly on
21 progress and problems with respect to plan implementation.

22 8. To evaluate the allocation of teaching resources and
23 other certificated and uncertificated staff to the attendance
24 center to determine whether such allocation is consistent with
25 and in furtherance of instructional objectives and school
26 programs reflective of the school improvement plan adopted for

1 the attendance center; and to make recommendations to the
2 board, the general superintendent and the principal concerning
3 any reallocation of teaching resources or other staff whenever
4 the council determines that any such reallocation is
5 appropriate because the qualifications of any existing staff at
6 the attendance center do not adequately match or support
7 instructional objectives or school programs which reflect the
8 school improvement plan.

9 9. To make recommendations to the principal and the general
10 superintendent concerning their respective appointments, after
11 August 31, 1989, and in the manner provided by Section 34-8 and
12 Section 34-8.1, of persons to fill any vacant, additional or
13 newly created positions for teachers at the attendance center
14 or at attendance centers which include the attendance center
15 served by the local school council.

16 10. To request of the Board the manner in which training
17 and assistance shall be provided to the local school council.
18 Pursuant to Board guidelines a local school council is
19 authorized to direct the Board of Education to contract with
20 personnel or not-for-profit organizations not associated with
21 the school district to train or assist council members. If
22 training or assistance is provided by contract with personnel
23 or organizations not associated with the school district, the
24 period of training or assistance shall not exceed 30 hours
25 during a given school year; person shall not be employed on a
26 continuous basis longer than said period and shall not have

1 been employed by the Chicago Board of Education within the
2 preceding six months. Council members shall receive training in
3 at least the following areas:

4 1. school budgets;

5 2. educational theory pertinent to the attendance
6 center's particular needs, including the development of
7 the school improvement plan and the principal's
8 performance contract; and

9 3. personnel selection.

10 Council members shall, to the greatest extent possible,
11 complete such training within 90 days of election.

12 11. In accordance with systemwide guidelines contained in
13 the System-Wide Educational Reform Goals and Objectives Plan,
14 criteria for evaluation of performance shall be established for
15 local school councils and local school council members. If a
16 local school council persists in noncompliance with systemwide
17 requirements, the Board may impose sanctions and take necessary
18 corrective action, consistent with Section 34-8.3.

19 12. Each local school council shall comply with the Open
20 Meetings Act and the Freedom of Information Act. Each local
21 school council shall issue and transmit to its school community
22 a detailed annual report accounting for its activities
23 programmatically and financially. Each local school council
24 shall convene at least 2 well-publicized meetings annually with
25 its entire school community. These meetings shall include
26 presentation of the proposed local school improvement plan, of

1 the proposed school expenditure plan, and the annual report,
2 and shall provide an opportunity for public comment.

3 13. Each local school council is encouraged to involve
4 additional non-voting members of the school community in
5 facilitating the council's exercise of its responsibilities.

6 14. The local school council may adopt a school uniform or
7 dress code policy that governs the attendance center and that
8 is necessary to maintain the orderly process of a school
9 function or prevent endangerment of student health or safety,
10 consistent with the policies and rules of the Board of
11 Education. A school uniform or dress code policy adopted by a
12 local school council: (i) shall not be applied in such manner
13 as to discipline or deny attendance to a transfer student or
14 any other student for noncompliance with that policy during
15 such period of time as is reasonably necessary to enable the
16 student to acquire a school uniform or otherwise comply with
17 the dress code policy that is in effect at the attendance
18 center into which the student's enrollment is transferred; and
19 (ii) shall include criteria and procedures under which the
20 local school council will accommodate the needs of or otherwise
21 provide appropriate resources to assist a student from an
22 indigent family in complying with an applicable school uniform
23 or dress code policy. A student whose parents or legal
24 guardians object on religious grounds to the student's
25 compliance with an applicable school uniform or dress code
26 policy shall not be required to comply with that policy if the

1 student's parents or legal guardians present to the local
2 school council a signed statement of objection detailing the
3 grounds for the objection.

4 15. All decisions made and actions taken by the local
5 school council in the exercise of its powers and duties shall
6 comply with State and federal laws, all applicable collective
7 bargaining agreements, court orders and rules properly
8 promulgated by the Board.

9 15a. To grant, in accordance with board rules and policies,
10 the use of assembly halls and classrooms when not otherwise
11 needed, including lighting, heat, and attendants, for public
12 lectures, concerts, and other educational and social
13 activities.

14 15b. To approve, in accordance with board rules and
15 policies, receipts and expenditures for all internal accounts
16 of the attendance center, and to approve all fund-raising
17 activities by nonschool organizations that use the school
18 building.

19 16. (Blank).

20 17. Names and addresses of local school council members
21 shall be a matter of public record.

22 (Source: P.A. 96-1403, eff. 7-29-10.)

23 (105 ILCS 5/34-18.50 new)

24 Sec. 34-18.50. Suspension or expulsion of pupils; school
25 searches.

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

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

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

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

15 (c) Among the many possible disciplinary interventions and
16 consequences available to school officials, school exclusions,
17 such as out-of-school suspensions and expulsions, are the most
18 serious. School officials shall limit the number and duration
19 of expulsions and suspensions to the greatest extent
20 practicable, and it is recommended that they use them only for
21 legitimate educational purposes. To ensure that students are
22 not excluded from school unnecessarily, it is recommended that
23 school officials consider forms of non-exclusionary discipline
24 prior to using out-of-school suspensions or expulsions.

25 (d) Unless otherwise required by federal law or this Code,
26 the board may not institute zero-tolerance policies by which

1 school administrators are required to suspend or expel students
2 for particular behaviors.

3 (e) Out-of-school suspensions of 3 days or less may be used
4 only if the student's continuing presence in school would pose
5 a threat to school safety or a disruption to other students'
6 learning opportunities. For purposes of this subsection (e),
7 "threat to school safety or a disruption to other students'
8 learning opportunities" shall be determined on a case-by-case
9 basis by the board or its designee. School officials shall make
10 all reasonable efforts to resolve such threats, address such
11 disruptions, and minimize the length of suspensions to the
12 greatest extent practicable.

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

1 and available behavioral and disciplinary interventions have
2 been exhausted" shall be made by school officials. School
3 officials shall make all reasonable efforts to resolve such
4 threats, address such disruptions, and minimize the length of
5 student exclusions to the greatest extent practicable. Within
6 the suspension decision described in subsection (b) of this
7 Section or the expulsion decision described in subsection (a)
8 of this Section, it shall be documented whether other
9 interventions were attempted or whether it was determined that
10 there were no other appropriate and available interventions.

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

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

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

25 (h) The school district shall create a policy by which
26 suspended pupils, including those pupils suspended from the

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

7 (i) The Department of Human Services shall be invited to
8 send a representative to consult with the board at such meeting
9 whenever there is evidence that mental illness may be the cause
10 for expulsion or suspension.

11 (j) The school district shall make reasonable efforts to
12 provide ongoing professional development to teachers,
13 administrators, board members, school resource officers, and
14 staff on the adverse consequences of school exclusion and
15 justice-system involvement, effective classroom management
16 strategies, culturally responsive discipline, and
17 developmentally appropriate disciplinary methods that promote
18 positive and healthy school climates.

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

26 (1) A firearm. For the purposes of this Section,

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

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

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

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

1 a student for a definite period of time not to exceed 2
2 calendar years, as determined on a case by case basis, if (i)
3 that student has been determined to have made an explicit
4 threat on an Internet website against a school employee, a
5 student, or any school-related personnel, (ii) the Internet
6 website through which the threat was made is a site that was
7 accessible within the school at the time the threat was made or
8 was available to third parties who worked or studied within the
9 school grounds at the time the threat was made, and (iii) the
10 threat could be reasonably interpreted as threatening to the
11 safety and security of the threatened individual because of his
12 or her duties or employment status or status as a student
13 inside the school.

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

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

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

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

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

25 (q) A student may not be issued a monetary fine or fee as a
26 disciplinary consequence, though this shall not preclude

1 requiring a student to provide restitution for lost, stolen, or
2 damaged property.

3 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

4 (Text of Section before amendment by P.A. 99-456)

5 Sec. 34-19. By-laws, rules and regulations; business
6 transacted at regular meetings; voting; records. The board
7 shall, subject to the limitations in this Article, establish
8 by-laws, rules and regulations, which shall have the force of
9 ordinances, for the proper maintenance of a uniform system of
10 discipline for both employees and pupils, and for the entire
11 management of the schools, and may fix the school age of
12 pupils, the minimum of which in kindergartens shall not be
13 under 4 years, except that, based upon an assessment of the
14 child's readiness, children who have attended a non-public
15 preschool and continued their education at that school through
16 kindergarten, were taught in kindergarten by an appropriately
17 certified teacher, and will attain the age of 6 years on or
18 before December 31 of the year of the 2009-2010 school term and
19 each school term thereafter may attend first grade upon
20 commencement of such term, and in grade schools shall not be
21 under 6 years. It may expel, suspend or, subject to the
22 limitations of all policies established or adopted under
23 Section 14-8.05, otherwise discipline any pupil found guilty of
24 gross disobedience, misconduct or other violation of the
25 by-laws, rules and regulations, including gross disobedience

1 or misconduct perpetuated by electronic means. An expelled
2 pupil may be immediately transferred to an alternative program
3 in the manner provided in Article 13A or 13B of this Code. A
4 pupil must not be denied transfer because of the expulsion,
5 except in cases in which such transfer is deemed to cause a
6 threat to the safety of students or staff in the alternative
7 program. A pupil who is suspended in excess of 20 school days
8 may be immediately transferred to an alternative program in the
9 manner provided in Article 13A or 13B of this Code. A pupil
10 must not be denied transfer because of the suspension, except
11 in cases in which such transfer is deemed to cause a threat to
12 the safety of students or staff in the alternative program. The
13 bylaws, rules and regulations of the board shall be enacted,
14 money shall be appropriated or expended, salaries shall be
15 fixed or changed, and textbooks, electronic textbooks, and
16 courses of instruction shall be adopted or changed only at the
17 regular meetings of the board and by a vote of a majority of
18 the full membership of the board; provided that notwithstanding
19 any other provision of this Article or the School Code, neither
20 the board or any local school council may purchase any textbook
21 for use in any public school of the district from any textbook
22 publisher that fails to furnish any computer diskettes as
23 required under Section 28-21. Funds appropriated for textbook
24 purchases must be available for electronic textbook purchases
25 and the technological equipment necessary to gain access to and
26 use electronic textbooks at the local school council's

1 discretion. The board shall be further encouraged to provide
2 opportunities for public hearing and testimony before the
3 adoption of bylaws, rules and regulations. Upon all
4 propositions requiring for their adoption at least a majority
5 of all the members of the board the yeas and nays shall be
6 taken and reported. The by-laws, rules and regulations of the
7 board shall not be repealed, amended or added to, except by a
8 vote of 2/3 of the full membership of the board. The board
9 shall keep a record of all its proceedings. Such records and
10 all by-laws, rules and regulations, or parts thereof, may be
11 proved by a copy thereof certified to be such by the secretary
12 of the board, but if they are printed in book or pamphlet form
13 which are purported to be published by authority of the board
14 they need not be otherwise published and the book or pamphlet
15 shall be received as evidence, without further proof, of the
16 records, by-laws, rules and regulations, or any part thereof,
17 as of the dates thereof as shown in such book or pamphlet, in
18 all courts and places where judicial proceedings are had.

19 Notwithstanding any other provision in this Article or in
20 the School Code, the board may delegate to the general
21 superintendent or to the attorney the authorities granted to
22 the board in the School Code, provided such delegation and
23 appropriate oversight procedures are made pursuant to board
24 by-laws, rules and regulations, adopted as herein provided,
25 except that the board may not delegate its authorities and
26 responsibilities regarding (1) budget approval obligations;

1 (2) rule-making functions; (3) desegregation obligations; (4)
2 real estate acquisition, sale or lease in excess of 10 years as
3 provided in Section 34-21; (5) the levy of taxes; or (6) any
4 mandates imposed upon the board by "An Act in relation to
5 school reform in cities over 500,000, amending Acts herein
6 named", approved December 12, 1988 (P.A. 85-1418).
7 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;
8 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.
9 7-13-12.)

10 (Text of Section after amendment by P.A. 99-456)

11 Sec. 34-19. By-laws, rules and regulations; business
12 transacted at regular meetings; voting; records. The board
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20 child's readiness, children who have attended a non-public
21 preschool and continued their education at that school through
22 kindergarten, were taught in kindergarten by an appropriately
23 certified teacher, and will attain the age of 6 years on or
24 before December 31 of the year of the 2009-2010 school term and
25 each school term thereafter may attend first grade upon

1 commencement of such term, and in grade schools shall not be
2 under 6 years. It may expel, suspend or, subject to the
3 limitations of all policies established or adopted under
4 Section 34-18.50 ~~10-22.6~~ or 14-8.05, otherwise discipline any
5 pupil found guilty of gross disobedience, misconduct, or other
6 violation of the by-laws, rules, and regulations, including
7 gross disobedience or misconduct perpetuated by electronic
8 means. An expelled pupil may be immediately transferred to an
9 alternative program in the manner provided in Article 13A or
10 13B of this Code. A pupil must not be denied transfer because
11 of the expulsion, except in cases in which such transfer is
12 deemed to cause a threat to the safety of students or staff in
13 the alternative program. A pupil who is suspended in excess of
14 20 school days may be immediately transferred to an alternative
15 program in the manner provided in Article 13A or 13B of this
16 Code. A pupil must not be denied transfer because of the
17 suspension, except in cases in which such transfer is deemed to
18 cause a threat to the safety of students or staff in the
19 alternative program. The bylaws, rules and regulations of the
20 board shall be enacted, money shall be appropriated or
21 expended, salaries shall be fixed or changed, and textbooks,
22 electronic textbooks, and courses of instruction shall be
23 adopted or changed only at the regular meetings of the board
24 and by a vote of a majority of the full membership of the
25 board; provided that notwithstanding any other provision of
26 this Article or the School Code, neither the board or any local

1 school council may purchase any textbook for use in any public
2 school of the district from any textbook publisher that fails
3 to furnish any computer diskettes as required under Section
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6 technological equipment necessary to gain access to and use
7 electronic textbooks at the local school council's discretion.
8 The board shall be further encouraged to provide opportunities
9 for public hearing and testimony before the adoption of bylaws,
10 rules and regulations. Upon all propositions requiring for
11 their adoption at least a majority of all the members of the
12 board the yeas and nays shall be taken and reported. The
13 by-laws, rules and regulations of the board shall not be
14 repealed, amended or added to, except by a vote of 2/3 of the
15 full membership of the board. The board shall keep a record of
16 all its proceedings. Such records and all by-laws, rules and
17 regulations, or parts thereof, may be proved by a copy thereof
18 certified to be such by the secretary of the board, but if they
19 are printed in book or pamphlet form which are purported to be
20 published by authority of the board they need not be otherwise
21 published and the book or pamphlet shall be received as
22 evidence, without further proof, of the records, by-laws, rules
23 and regulations, or any part thereof, as of the dates thereof
24 as shown in such book or pamphlet, in all courts and places
25 where judicial proceedings are had.

26 Notwithstanding any other provision in this Article or in

1 the School Code, the board may delegate to the general
2 superintendent or to the attorney the authorities granted to
3 the board in the School Code, provided such delegation and
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8 (2) rule-making functions; (3) desegregation obligations; (4)
9 real estate acquisition, sale or lease in excess of 10 years as
10 provided in Section 34-21; (5) the levy of taxes; or (6) any
11 mandates imposed upon the board by "An Act in relation to
12 school reform in cities over 500,000, amending Acts herein
13 named", approved December 12, 1988 (P.A. 85-1418).
14 (Source: P.A. 99-456, eff. 9-15-16.)

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