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This policy is rewritten in response to legislation (P.A. 99-456). The footnotes are included to explain the details of the Act, but will be removed when the board adopts the policy.

February 2016

7:200

Students

This policy becomes effective and replaces the policy on *Suspension Procedures* on the first student attendance day of the 2016-2017 school year.

Suspension Procedures¹

In-School Suspension²

The Director or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
2. Students are supervised by licensed school personnel.
3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

Out-of-School Suspension

The Director or designee shall implement suspension procedures that provide, at a minimum, for each of the following:³

1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.
2. A pre-suspension conference is not required, and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing

Comment [AKC.1]: Two new subheads are added: **In-School Suspension** and **Out-of-School Suspension**. In-school suspensions are not covered by statute and implementation of that subhead will require assistance of the board attorney to align the policy with the Cooperative's practices. Out-of-school suspensions are now governed by P.A. 99-456 (eff. 9-15-2016). **Issue 91, February 2016**

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law requires Cooperatives to have a policy on student discipline (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). State or federal law controls this policy's content. For information about administering student discipline, see the U.S. Dept. of Education's and the U.S. Dept. of Justice's 2014 jointly released school discipline package, *Guiding Principles*, at: www2.ed.gov/policy/gen/guid/school-discipline/faq.pdf.

Boards may authorize *by policy* the Director, building principal, assistant building principal, or dean of students to suspend students guilty of gross disobedience or misconduct from school, including all school functions (105 ILCS 5/10-22.6(h)). See 7:190, *Student Discipline*, for such an authorization.

² In-school suspensions are not covered by statute. Contact the board attorney for advice concerning amending this section.

³ Suspension procedures are required by State law (105 ILCS 5/10-22.6). The right to attend school is a property right protected by the due process clause of the U.S. Constitution. *Goss v. Lopez*, 95 S.Ct. 729 (1975). Imposing a short deprivation of this property right by suspending a student for 10 or fewer days requires only minimal due process. The student must be generally informed of the reasons for the possible suspension, and be permitted to tell his/her version of the story. Making a decision to suspend before the hearing violates the basic due process requirement that the hearing be meaningful. *Sieck v. Oak Park-River Forest High School*, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

105 ILCS 5/10-22.6(b) allows a student who is suspended in excess of 20 school days to be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of the School Code. A student cannot be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

Consult the board attorney for assistance if a suspension will exceed 10 consecutive school days. Subsection 10-22.6(b) uses the phrase "is suspended in excess of 20 school days" even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 95 S.Ct. 729 (1975). For further discussion, see ¶n 40 in policy 7:190, *Student Behavior*.

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threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.

3. An attempted phone call to the student's parent(s)/guardian(s).
4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall:⁴
 - a. Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension;
 - b. Include information about an opportunity to make up work missed during the suspension for equivalent academic credit;⁵
 - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
 - d. Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and
 - e. Depending upon the length of the out-of-school suspension, include the following applicable information:
 - i. For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose:⁶
 - a) A threat to school safety, or
 - b) A disruption to other students' learning opportunities.
 - ii. For a suspension of 4 or more school days, an explanation:⁷
 - a) That other appropriate and available behavioral and disciplinary interventions have been exhausted,
 - b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student,⁸ and

Comment [AKL2]: The most significant edits required by P.A. 99-456 (eff. 9-15-2016) were made to these notice provisions. These changes also correspond with 7:200-E1, *Short Term Out-of-School Suspension (1-3 Days) Reporting Form* and 7:200-E2, *Long Term Out-of-School Suspension (4-10 Days) Reporting Form*. Please access these documents using the Cooperative's PRESS Online service, and refer to the Update Memo for more detailed information concerning the difference between short-term and long-term suspensions.
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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

⁴ 105 ILCS 5/10-22.6, amended by P.A. 99-456, eff. 9-15-2016.

Consult the board attorney (1) about the specific documentation required in this portion of the notice, and (2) to ensure that 7:200-E1, *Short Term Out-of-School Suspension (1-3 Days) Reporting Form* and 7:200-E2, *Long Term Out-of-School Suspension (4-10 Days) Reporting Form* reflect the exact practices that the Cooperative will use to implement this requirement.

⁵ Required by 105 ILCS 5/10-22.6(b-30).

⁶ 105 ILCS 5/10-22.6(b-15), amended by P.A. 99-456, eff. 9-15-2016 explains that "threat to school safety or a disruption to other students' learning opportunities" shall be determined by the school board or its designee on a case-by-case basis. Consult the board attorney for specific advice regarding the application of these statutory terms in this context (see fn 8, below).

⁷ 105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, eff. 9-15-2016. School officials are granted the sole authority to determine on a case-by-case basis: (1) whether "appropriate and available behavioral and disciplinary interventions have been exhausted," and (2) whether "the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community, or (ii) substantially disrupt, impede, or interfere with the operation of the school." Consult the board attorney to request specific training for school officials to apply these statutory terms in this context (see fn 5 above).

- c) That the student's continuing presence in school would either:
- i) Pose a threat to the safety of other students, staff, or members of the school community, or
 - ii) Substantially disrupt, impede, or interfere with the operation of the school,
 - iii. For a suspension of 5 or more school days, ^{Executive Director} the information listed in section 4.c.ii., above, along with documentation by the Director or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension. ⁹
5. A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Director or designee.
6. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. ¹⁰ At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. Whenever there is evidence that mental illness may be the cause for the suspension, the Director or designee shall invite a representative from the Department of Human Services to consult with the Board. ¹¹ After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board's written suspension decision shall specifically detail items (a) and (e) in number 4, above. ¹²

LEGAL REF.: 105 ILCS 5/10-22.6.
Goss v. Lopez, 95 S.Ct. 729 (1975).
Sieck v. Oak Park River-Forest High School, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

CROSS REF.: 5:100 (Staff Development), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:220 (Bus Conduct)

Please compare this version with the Cooperative's current version of policy 7:200. Custom language from the current version may be added; however, before adding custom language that may alter any of the items in these lists, confer with the board attorney

⁸ While school officials have discretion to determine the length of suspensions, they must resolve threats, address disruptions, and minimize the length of student exclusions to the greatest extent practicable (105 ILCS 5/10-22.6(b-20), amended by P.A. 99-456, eff. 9-15-2016). Consult the board attorney about the practical implementation of documenting other appropriate and available interventions for the student.

Last, the law also requires school Cooperatives to make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates (105 ILCS 5/10-22.6(e-5), amended by P.A. 99-456, eff. 9-15-2016).

⁹ 105 ILCS 5/10-22.6(b-25), amended by P.A. 99-456, eff. 9-15-2016.

¹⁰ A board may hear student disciplinary cases in a meeting closed to the public (5 ILCS 120/2(e)(9)).

¹¹ 105 ILCS 5/10-22.6(e).

¹² 105 ILCS 5/10-22.6(b), amended by P.A. 99-456, eff. 9-15-2016.