

Administrative Leadership Team Meeting  
Monday, November 28, 2016 10:30 AM  
Central

Mokena Elementary School  
Mokena Elementary School  
11244 Willowcrest Lane  
Mokena, IL 60448

- I. Welcome
  - I.A. Celebrations - Professional or Personal
  - I.B. Questions on Previous Meeting Minutes
- II. Member Items
  - II.A. P-card Approval
  - II.B. Travel Reimbursement Guidelines
  - II.C. Food Service Discussion
  - II.D. Parent Volunteer Requirements
  - II.E. School Datebooks
  - II.F. Classified Job Descriptions
  - II.G. Strategic Planning Meeting
  - II.H. SB100 Presentations
  - II.I. Ten Minute Professional Development
  - II.J. Other:
- III. Next Meeting – December 5 - MES - Recorder, Mike, Timekeeper, Raphael
- IV. Communication Plan: Minutes will be posted on BoardBook.



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

# WELCOME TO THE 2016 MTBF&M FIRM WORKSHOP

## SB100: LEGAL UPDATE AND KEY DEVELOPMENTS IN STUDENT DISCIPLINE

2016

*April 14, 2016 at the Pear Tree Estate, Champaign, IL*



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

# A WALK THROUGH THE LAW: P.A. 99-0456

2016

# SB 100 (P.A. 99-0456)

2016

- Changes to Student Discipline
- Effective September 15, 2016
  
- SB 100 restricts the authority of school districts to suspend and expel students and imposes new requirements in those cases where school removal will still be allowed.
  
- Policy:
  - The number and duration of suspensions and expulsions shall be limited to the greatest extent practicable.
  - It is recommended that suspensions and expulsions be used only for legitimate educational purposes and that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

# SB 100 (P.A. 99-0456)

2016

## VOYCE: Voices of Youth in Chicago Education



# SB 100 (P.A. 99-0456)

2016

From VOYCE's Website: [www.voyceproject.org](http://www.voyceproject.org)

While statewide data reports are not yet available from the U.S. Department of Education's Office of Civil Rights, VOYCE's analysis of additional data sources provides a picture of school discipline practices across the State of Illinois:

- Within the last school year for which we have even a partially-complete data set, there were over 272,000 out-of-school suspensions of Illinois students, more than 2,400 expulsions, and more than 10,000 arrests. This resulted in Illinois students losing well over 1 million instructional days due to exclusionary discipline, in just one year. (Source: 2009-10 Civil Rights Data Collection combined with Chicago Police Department public records request)

# SB 100 (P.A. 99-0456)

2016

From VOYCE's Website: [www.voyceproject.org](http://www.voyceproject.org)

- Statewide, there were almost 32 out-of-school suspensions for every 100 Black students, compared to only 5 for every 100 White students. In other words, there were over 6 times as many out-of-school suspensions per Black student as there was per White student.
- There were almost 8 times as many out-of-school suspensions per Black male student as there was per White student.
- There were almost 9 times as many out-of-school suspensions per Black female student as there was per White female student. (Source: Illinois State Board of Education 2011-12)

# SB 100 (P.A. 99-0456)

2016

From VOYCE's Website: [www.voyceproject.org](http://www.voyceproject.org)

- From 1992 to 2009, Illinois' out-of-school suspension rate more than tripled. (Source: Civil Rights Data Collection)

# SB 100 (P.A. 99-0456)

2016

- **Amends Sections 10-20.14, 10-22.6, 27-A-5, and 34-19 of the *Illinois School Code*.**

- 10-20.14 Student discipline policies; Parent-teacher advisory committee.
- 10-22.6 Suspension or expulsion of pupils.
- 27A-5 Charter School Requirements.
- 34-19 By-laws, rules and regulations; business transacted at regular meetings; voting; records.
  
- So what's new? And what's the same?
  - **Then. . .**
- What do we need to review? And what are the big changes?

# SB 100 (P.A. 99-0456)

2016

10-20.14 Student discipline policies; Parent-teacher advisory committee.

- **What is the Same?**

- Parent-Teacher Advisory Committee

- **What is New?**

- Parent-Teacher Advisory Committee shall develop with the school board policy guidelines on pupil discipline, including school searches and bullying prevention.

# SB 100 (P.A. 99-0456)

2016

10-20.14 Student discipline policies; Parent-teacher advisory committee.

- **What is New?**

- School authorities shall furnish a copy of the policy to parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year, and the school board or governing body of a charter school shall require that a school inform its pupils of the content of the policy.

# SB 100 (P.A. 99-0456)

2016

10-20.14 Student discipline policies; Parent-teacher advisory committee.

- **What is New?**

- School boards and the governing bodies of charter schools, along with the parent-teacher advisory committee, must annually review their pupil discipline policy, the implementation of those policies, and any other factors related to the safety of their schools, pupils, and staff.

# SB 100 (P.A. 99-0456)

2016

- Suspensions
- 1-3 Days Suspensions
- The written suspension decision must:
  - detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
  - include a specific rationale as to the specific duration of the suspension; and
  - document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

# SB 100 (P.A. 99-0456)

2016

- Suspensions
- 1-3 Days Suspensions
- Suspensions may be used only if the student's **continuing presence in school would pose a threat** to school safety or a disruption to other students' learning opportunities (as determined by the Board or its designee on a case-by-case basis).
- School officials shall **make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions** to the greatest extent practicable.

# SB 100 (P.A. 99-0456)

2016

- Suspensions
- **4 Day Suspensions (Longer than 3 Days)**
- Subject to all conditions for suspensions of 3 days or less:
  - Written decision;
  - Continuing threat or disruption determination;
  - All reasonable efforts to resolve, address, and minimize suspensions; AND
- May be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted **AND** the student's continuing presence in school would **Either:**

# SB 100 (P.A. 99-0456)

2016

- Suspensions
- **4 Day Suspensions (Longer than 3 Days)**
- May be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted **AND** the student's continuing presence in school would **Either:**
  - pose a **threat** to the safety of other students, staff, or members of the school community (as determined on a case-by-case basis by school officials); or
  - **substantially disrupt, impede, or interfere with the operations of the school** (as determined on a case-by-case basis by school officials).

# SB 100 (P.A. 99-0456)

2016

- Suspensions
- **5 or more Day Suspensions (Longer than 4 Days)**
- Subject to all conditions for suspensions of 3 days or less AND 4 days or less:
  - Written decision;
  - Continuing threat or disruption determination;
  - All reasonable efforts to resolve, address, and minimize suspensions; **AND**
  - Exhaustion of interventions
  - Student's continuing presence would either:
    - pose a threat to the safety of other students, staff, or members of the school community (as determined on a case-by-case basis by school officials); or
    - substantially disrupt, impede, or interfere with the operations of the school (as determined on a case-by-case basis by school officials).

# SB 100 (P.A. 99-0456)

2016

- Suspensions
- **5 or more Day Suspensions (Longer than 4 Days)**
- **And**
- Students must be provided appropriate and available support services during the term of their suspension (as determined by school authorities).
- The written suspension decision described above must also document whether support services are to be provided or whether it was determined that there are no such appropriate and available services.

# SB 100 (P.A. 99-0456)

2016

## ■ **Expulsions**

- The written expulsion decision must:
  - detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school;
  - include a rationale as to the specific duration of the expulsion; and
  - document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.
  
- Expelled students may be referred to appropriate and available support services.

# SB 100 (P.A. 99-0456)

2016

## ■ **Other Changes**

- School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement's role in schools.
- School districts shall 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.

# SB 100 (P.A. 99-0456)

2016

## ■ **Other Changes**

- School officials shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.
- A student may not be issued a monetary fine or fee as a disciplinary consequence, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.
- No “zero tolerance” policies.

# SB 100 (P.A. 99-0456)

2016

## ■ **Other Changes**

- Suspended students must be given the opportunity to make up work for equivalent academic credit.
- Return-to-school plan.

**PROCEDURAL  
CHANGES:  
WRITTEN SUSPENSION  
NOTICES, WRITTEN  
EXPULSION DECISIONS**

# Written Notice

2016

- There is now a distinction in the standard between short term (3 day) suspensions and long-term (4-10 day) suspensions.
- Documenting interventions.
- Documenting exhaustion of interventions.
- Documenting (and providing for 5+ OSS) appropriate and available support services.

# Short-term OSS

2016

- Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. .. "**threat to school safety** or a **disruption** to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee.
- School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

# Longer-term OSS

2016

- Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and 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.
- "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a **case-by-case** basis by school officials.

# Suspension - Notice

2016

- If a student is suspended ... the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension.
- The suspension notice must, therefore, detail not only the misconduct and consequence, but how that misconduct relates to the standard set forth by the legislature for the removal.
- 3+ days - must document interventions attempted, and exhaustion.
- 4+ days – must document support services.

# Expulsion - Notice

2016

- The written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school.
- The expulsion decision shall also include a rationale as to the specific duration of the expulsion.
- Decision must document interventions attempted.

# SB 100 (P.A. 99-0456)

2016

- Procedural Changes – Overview
- Panel Discussion Questions:
  - The law refers to “out-of-school suspensions.” How does the law change “in-school suspensions”?
  - What is the procedural distinction between a 3-day suspension and a longer-term suspension? Is there a distinction in what must be provided in the two situations?
  - Must the board act (rather than administration) on suspensions pursuant to the new law?
  - Issues inherent in written expulsion decision?

# SB 100 (P.A. 99-0456)

2016

- Procedural Changes – Takeaway
  - Document minor discipline and interventions in a manner that is easily accessible in suspension and expulsion proceedings.
  - Standardize the process by which the Board of Ed. receives the summary of the suspension notice (including the reason and the suspension length).
  - Consider using a hearing officer for expulsions or prepare for the possible necessity of two meetings if additional time is necessary to prepare and approve the written expulsion decision.

# **THREATS, DISRUPTIONS, AND SUBSTANTIAL DISRUPTIONS**

# SB 100 (P.A. 99-0456)

2016

- Threat analysis generally:
  - Specificity
  - Capacity
  - Reasonable interpretation *v.* intent
  - Humor, sarcasm, parody and movie / music quotes

# SB 100 (P.A. 99-0456)

2016

- Threats, Disruptions, and Substantial Disruptions – Overview
- Online Threats:
- A district may expel for 2 calendar years for a threat if:
  - (i) The student has been determined to have made an explicit threat on an Internet website.
  - (ii) The website is accessible within the school at the time of the threat (including through 3<sup>rd</sup> parties).
  - (iii) The threat could be reasonably interpreted as threatening to the safety and security of the threatened individual.

# SB 100 (P.A. 99-0456)

2016

## Disruptions, and Substantial Disruptions

- Suspensions < 3 days:
  - Only if the student’s “continuing presence in school would pose a threat to school safety or a disruption to other students’ learning opportunities.
  
- Suspensions > 3 days and Expulsions:
  - Only if the student’s “continuing presence” in school would either:
    - i) pose a threat to safety, or
    - ii) “substantially disrupt, impede or interfere with the operation of the school.”

# SB 100 (P.A. 99-0456)

2016

## ■ Panel Discussion Questions:

- Does “continuing presence” require districts to use past events to predict future conduct?
- Once a disciplinary event is over, how can a district prove the student’s “continuing presence” is a substantial disruption?
- Can districts meet the “continuing presence” standard for a student with no history of prior misconduct?
- Under what standard will a district’s “case-by-case” determinations of threats (under both b-15 and b-20) be reviewed?
- Pre-SB 100 case law: Arbitrary and capricious?

# SB 100 (P.A. 99-0456)

2016

- Substantial Disruption – Takeaways
  - Focus on issues created by the student’s “continuing presence” not just the misconduct.
  - Be mindful of the different standard for suspensions of 3 days or less and suspensions of more than 3 days.
  - 4 day suspensions fall into “no mans land”. If concerned, consider treating them as a 5 day suspension.



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

# **ZERO TOLERANCE AND WEAPONS**

2016

David J. Braun

# Zero Tolerance

2016

- (b-10) Unless otherwise required by federal law or this Code, **school boards may not institute zero-tolerance policies** by which school administrators are required to suspend or expel students for particular behaviors. 105 ILCS 5/10-22.6(b-5)

# Zero Tolerance

2016

- “Zero tolerance” has long been illegal, *See, E.S. v. Community Consolidated School District 168*, (02 CH 10967, Circuit Court, Cook County, Il. 2002)
- However, the pronouncement in the law means that a system of discipline “requiring” suspension or expulsion (without consideration of the particular facts of the situation) for certain behaviors is prohibited
- Therefore, a predictable “chart” will cause a school district difficulty in defending both how the chart is not zero tolerance as well as how that chart meets with the law’s requirement of individualized disciplinary response.

# Zero Tolerance

2016

- Bottom line:
  - When disciplining a student, a “one size fits all” approach to either crime or consequence will jeopardize a school’s ability to defend the discipline.
  - Schools must consider, in disciplining a student:
    - The **egregiousness** of conduct;
    - The **history** or record of the student’s past conduct
    - The likelihood that such conduct will affect the delivery; of educational services to **other children**;
    - The **severity** of the punishment; and
    - The **interest** of the child.
      - *Robinson v. Oak Park and River Forest High School*, 213 Ill. App. 3d 77 (1st Dist. 1991) (emphasis added).

# Weapons

2016

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

# Weapons

2016

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

# Weapons

2016

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

# Weapons

2016

- Bottom line:
  - The law continues to permit expulsion where a student poses a threat to safety. While the evidentiary standard which predicates that conclusion has risen, a threat to safety remains just that, and where a school district can prove that it occurred, the legislature *continues to intend* that schools protect the safety of the students and staff in their charge.

# Questions

2016

- Panel Discussion Questions:
  - What if a school district has a student who brings a box with wires which *looks like* a bomb, but does not utilize the “box” in any way?
  - If a school district receives a report of a weapon, but the weapon is never discovered, must the school district expel the student for one calendar year? Will a court require a school district to produce the weapon?

# Questions

2016

- Panel Discussion Questions:
  - What are the risks associated with a policy that has “categories,” or a “point system,” so that there is an established consequence for each behavior?
  - Disparate Impact?



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

# **SUPPORT SERVICES AND ALTERNATIVES TO SUSPENSION**

2016

Brandon K. Wright & Donna M. Davis

# SB 100 (P.A. 99-0456)

2016

## ■ Support Services and Alternatives to Suspension – Overview

- 10-22.6(b-25) Students who are suspended out-of-school for longer than 4 school days **shall be provided appropriate and available support services during the period of their suspension.** . . . Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.
- A school district may refer students who are expelled to appropriate and available support services.

# SB 100 (P.A. 99-0456)

2016

## ■ **Support Services and Alternatives to Suspension – Overview**

■ “appropriate and available support services” shall be determined by school authorities.

### ■ **NOT Defined!**

■ **Some might assume . . . Social work?  
Counselling?**

■ **Might look like assistance with make-up work, access to teachers for assistance, PBIS or Restorative Justice activities upon return to school.**

■ **Consider what services are already available.**

# SB 100 (P.A. 99-0456)

2016

## **Old Handbook Language:**

Students receiving a suspension shall be allowed to submit make-up work for one letter grade reduced credit.

## **New Language:**

Students receiving a suspension of any number of days shall have the opportunity to make up work for equivalent academic credit.

# SB 100 (P.A. 99-0456)

2016

## **Old Suspension Letters:**

No mention of support services.

## **New Language:**

[Student Name] shall be provided the appropriate and available support services of [describe services] during the period of [his/her] suspension.

[Alternative: It has been determined that no appropriate and available support services are available for [Student Name] during the period of [his/her] suspension.]

# SB 100 (P.A. 99-0456)

2016

- Support Services and Alternatives to Suspension – Overview
- Alternatives to Suspension:
  - *“Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.” New (b-5).*

# SB 100 (P.A. 99-0456)

2016

- **Support Services and Alternatives to Suspension – Overview**
- **Alternatives to Suspension:**
  - **In School Suspension**
  - **Saturday Suspension**
  - **Social Probations**
  - **Behavior Interventions (Formal / Informal)**

# SB 100 (P.A. 99-0456)

2016

**Old Policy Language:**

Often no mention of ISS.

**New Policy Language:**

Check for ISS requirements.

**Old Handbook Language:**

Often contain “automatic”  
OSS based upon ISS.

**New Handbook Language:**

Create discretion for  
progressive discipline utilizing  
non-exclusionary  
interventions.

# SB 100 (P.A. 99-0456)

2016

- **Appropriate and available interventions.**

- These are distinct from the support services potentially provided during a suspension, but relate to and may include alternatives to suspension we just discussed.

- **Classroom-Level Interventions:**

- Posted expectations
- Point systems
- Behavior Plans

- **School-Wide Interventions:**

- PBIS
- Restorative Justice
- Rewards Systems

# SB 100 (P.A. 99-0456)

2016

- Support Services and Alternatives to Suspension – Overview
- **Panel Discussion Questions:**
  - Will courts ever find it reasonable to have “no appropriate and available support services” for suspended students?
    - What about privately provided services or community resources? Would the district be obligated to pay?
  - What are the risks in establishing ISS and other non-exclusionary alternatives?
  - How do Districts document interventions, support services, alternatives to suspension?



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

# **SPECIAL EDUCATION IMPACT**

2016

Donna M. Davis

# SB 100 (P.A. 99-0456)

2016

- Special Education Impact – Overview
- No amendment to 105 ILCS 5/14 (Special Education).
- But rights afforded under Illinois School Code outside of Section 14 have always been applied to special education students, otherwise allegation of disparate treatment on the basis of disability.
- So, Section 10 rights sit on top of Section 14 (Special Education).
  - MDR within 10 days.
  - Change of Placement.
  - Risks of Due Process Complaints.

# SB 100 (P.A. 99-0456)

2016

## ■ Issue Spotting:

- Certainly there will be situations where our experience under the IDEA will warrant suspension or even expulsion, but P.A. 99-0456 has created more requirements.
  - We know MDRs. . .
  - We use Interim Alternative Placements appropriately . . .
- But we also know a driving force behind the act was disproportionate exclusionary practices along race, **disability**, and LGBT lines. . . .

# SB 100 (P.A. 99-0456)

2016

- Special Education Impact – Overview
- New Section 10 Requirements:
  - OSS for up to 3 days: continuing presence analysis on a case-by-case basis.
  - OSS longer than 3 days: may only be used if other appropriate and available behavioral and disciplinary interventions have been exhausted **AND**
  - Continuing presence (heightened analysis).
  - BIPs (Behavior Intervention Plans)
  - FBAs (Functional Behavior Analysis)
  - FAPE check

# SB 100 (P.A. 99-0456)

2016

- Special Education Impact – Overview
- New Section 10 Requirements:
  - “appropriate and available support services” during the period of suspension.
  - Consider current IEP supports and services.
  - Consider 504 students.

# SB 100 (P.A. 99-0456)

2016

- Special Education Impact – Overview
- “Smart ISS”
  - OCR has indicated that, for purposes of determining whether a “change in placement” has occurred for students with disabilities, it may count the days a student is given an ISS
  - Factors:
    - Opportunity to continue to appropriately participate in the general education curriculum.
    - Continue to receive IEP services.
    - Participation with nondisabled children to the extent they would have in current placement.

# SB 100 (P.A. 99-0456)

2016

- Special Education Impact – Overview
- **Panel Discussion Questions:**
  - What does SB100 mean for interim alternative setting transfers? “Exhaustion of interventions”?
  - How do these SB100 concerns relate to over-identification concerns?
  - What are the best practice efforts Districts can take now, while so many requirements under the new law are still undefined?



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

# MOU WITH LAW ENFORCEMENT

2016

Brandon K. Wright

# SB 100 (P.A. 99-0456)

2016

- **“School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement’s role in schools, in accordance with Section 10-22.6 of this Code.”**
- **“School districts shall 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...”**

# SB 100 (P.A. 99-0456)

2016

- **Is there an SRO relationship with the law enforcement agency?**
- **Does the MOU set the parameters for the exchange of information and records?**
- **Does the MOU define how law enforcement officers are to be involved in student discipline matters (i.e., educationally-relevant)?**

# SB 100 (P.A. 99-0456)

2016

## **Contents of Sample MOU Terms:**

- Payment for SROs & District Authority over the Educational Environment
- Educational Services and Law Enforcement Services
- SRO Selection Process, Supervision, Performance Evaluations, Conflict Resolution, & Termination/Replacement
- Annual Evaluation of MOU
- Record Sharing
- Body Worn Cameras (BWCs) and Live Feeds
- Reciprocal Reporting of Criminal Offenses Committed by Students
- Searches
- Agency and Police Interviews

# SB 100 (P.A. 99-0456)

2016

- **MOU with Law Enforcement**
- Panel Discussion Questions:
  - How do we handle requests for records or information from law enforcement?
  - What information can law enforcement provide school officials?
  - When is it appropriate to have law enforcement conduct searches or question students on behalf of the school district for a school discipline purpose?

# SB 100 (P.A. 99-0456)

2016

- **MOU with Law Enforcement**
- Panel Discussion Questions:
  - When is it appropriate for a student to be arrested at school?
  - How do we “police” law enforcement’s activities in the school setting?

# SB 100 (P.A. 99-0456)

2016

- **MOU with Law Enforcement**
- See PRESS 7:190-E3 (Sample MOU)
- When was the last time you reviewed your MOU or RRA with local law enforcement?

# SB 100 (P.A. 99-0456)

2016

- **MOU with Law Enforcement**

- *Handbook Issues:*

- What rights should parents have when police are questioning or searching their student?
- Are students/parents “on notice” of what happens if they commit a crime at school?



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

# **QUESTION & ANSWER PANEL DISCUSSION TO FOLLOW LUNCH**

2016

Miller, Tracy, Braun, Funk & Miller, Ltd.

Thank You for Joining Us! It is our pleasure  
to serve the school districts of Illinois.

2016

Miller, Tracy, Braun, Funk & Miller, Ltd.

316 S. Charter St.

P.O. Box 80

Monticello, IL 61856

(217)-762-9416

[www.millertracy.com](http://www.millertracy.com)



MILLER, TRACY, BRAUN, FUNK & MILLER, LTD.

© 2016, all rights reserved

# School Discipline & SB 100



MIRANDA JOHNSON  
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW



# Recent Illinois Discipline Reform Legislation



# SB 100 Now Public Act 099-0456: Discipline Reform Legislation



- Takes effect September 15<sup>th</sup>, 2016.
- Discipline requirements now apply to **charter schools**.
- Discipline requirements in current law and procedural protections for students with disabilities continue to apply.

# New! Suspensions & Expulsions



- **Limit** number and duration of suspensions & expulsions to **greatest extent practicable**.
- Recommended that suspensions and expulsions be used only for **legitimate educational purposes**.
- Recommended that school officials **consider non-exclusionary discipline** before suspension & expulsion to avoid unnecessary school removal.

# ***New! Practices Not allowed***



- **Zero tolerance policies** that require administrators suspend or expel for particular behaviors, unless mandated by law [e.g., federal laws for weapons offenses].
- **Encouraging students to dropout** because of behavioral or academic issues.
- **Imposing a fine** as a disciplinary consequence (unless restitution for action like stealing).

*New!*

## Limitation on Suspensions & expulsions



- Schools officials must make reasonable efforts to **resolve school threats and address disruptions** while **limiting the length** of suspensions, expulsions and disciplinary transfers to alternative schools to the greatest extent practicable

# New! Categories of Suspensions



## **Out-of-School Suspensions of 3 Days or Less**

- Only if student's continuing presence in school poses a *threat to school safety* or a *disruption to others' learning opportunities*.

## **Out-of-School Suspensions More than 3 days/ Expulsions/Removals to Alternative Schools**

- Unless otherwise specified, only if:
  1. *Appropriate & available* disciplinary and behavioral interventions have been *exhausted*, AND
  2. *Student's presence would*:
    - *pose a threat*, OR
    - *substantially disrupt, impede or interfere* with operations of the school.

# New! Support Services



- **Student Suspended More Than 4 Days**
  - Must be provided *appropriate* and *available* support services.
- **Students Expelled:**
  - Can be referred for *appropriate* and *available* services.
- **Other requirements:**
  - School district must create policy for students suspended to *make up academic work*. This applies to students suspended from school bus who do not have alternate transportation.
  - School districts must develop *reengagement policy* for students suspended/expelled or returning from alternative schools.

*New!*

## Professional Development & MOU



- School districts should make *reasonable efforts* to provide professional development to *teachers, administrators, staff, school board members, school resource officers* on . . . *school exclusion, juvenile system involvement, effective classroom management strategies, culturally responsive discipline.....positive and healthy school climates.*
- Districts encouraged to create *memoranda of understanding* with local law enforcement officials that clearly define law enforcement's role in schools.

# ***New! Restrictions on Suspensions***



## **Out-of-School Suspensions of 3 Days or Less:**

- Allowed only if the student's continued presence in the school would pose a *threat to school safety* or a *disruption to others' learning opportunities*.

## **Out of School Suspensions More than 3 days/ Expulsions/Removals to Alternative Schools**

- Unless otherwise specified, can be used only if:
  1. *appropriate and available* disciplinary and behavioral interventions have been *exhausted AND*
  2. *the student's presence in the school would:*
    - *pose a threat* to the safety of students, staff or members of the school community *OR*
    - *substantially disrupt, impede or interfere* with the operations of the school.

# Special Ed Law: Making the Connection with Disciplinary Reform



# So what's different after SB 100?



- **IDEA procedural protections remain**
- **New protections under SB 100 also apply**

# Students with Disabilities and SB 100: A Few Key Requirements To Consider



- Limit out-of-school suspensions and expulsions **to the greatest extent practicable**
- **Exhaust available and appropriate behavioral and disciplinary interventions** prior to using out-of-school suspensions for 4-10 days, expulsions and disciplinary transfers to alternative schools
- Provide **appropriate and available** support services for students suspended out-of-school for 5-10 days.

# New Federal Guidance on Positive Behavioral Interventions



## **U.S. Department of Education, Dear Colleague Letter (August 1, 2016)**

<https://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf>

- Procedural protections that apply after 10 days of suspension are not a “free pass” to suspend students with disabilities for 10 days!
- Rather, short-term removals can be indicative of a need for positive behavioral interventions and supports.

# Credits



- This powerpoint draws upon the varied contributions of the members of the Transforming School Discipline Collaborative.
- Particular credit goes to Dr. Pamela Fenning of Loyola University Chicago School of Education and attorneys from Equip for Equality and the Chicago Lawyers' Committee for Civil Rights.

**Visit [www.transformschooldiscipline.org](http://www.transformschooldiscipline.org) for a Model Student Code of Conduct and other resources.**