

# Public Act 99-0456

## School District Self-Assessment Checklist

Public Act 99-0456<sup>1</sup> creates new discipline and training requirements that apply to all publicly-funded schools in Illinois, including charter schools. School districts can use this checklist update and revise their policies.

*All school districts must comply with Public Act 99-0456 by September 15, 2016.*

**Before you begin this self-assessment, gather the following documents for your district:**

- Code of Conduct
- Discipline procedures and School Board policies related to discipline
- Discipline forms, including referrals, checklists, or suspension and expulsion notices
- School and Professional Development calendars

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### CODE OF CONDUCT REQUIREMENTS

1. **New Rules:** The Code of Conduct must comply with specific rules added by Public Act 99-0456.
  - No zero-tolerance policies unless required by law (weapons or drugs). 105 ILCS 5/10-22.6(b-10). This means out-of-school suspension cannot be a minimum or required consequence for any other offense.
  - No monetary fines or fees. 105 ILCS 5/10-22.6(i).
  - Explicitly prohibits staff from encouraging students to dropout. 105 ILCS 5/10-22.6(h).
2. **Charter Schools:** Sections 10-20.14, 10-22.6, and 34-19 of the Illinois School Code now apply to charter school. 105 ILCS 5/27A-5(g)(2). Do your procedures comply?

*The requirements of these sections are included in this checklist. Use the checklist to verify that the Charter School Code of Conduct and discipline procedures comply with these sections.*

3. **Community Involvement:** District procedures must meet these requirements.
  - Provide the Code of Conduct to students and parents before the 15th day of school each year. 105 ILCS 5/10-20.14(a).
    - What is the District's policy on distributing the code? *Consider sending it home on the first day of school, providing it at orientation, registration, or Back to School Night*

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<sup>1</sup> Public Act 99-0456 is also known as Senate Bill 100 (SB 100).

- The Code of Conduct includes a policy on bullying prevention. 105 ILCS 5/10-20.14(a).
- The Code of Conduct is reviewed every year with the parent-teacher advisory committee. 105 ILCS 5/10-20.14(a).
  - When setting up the parent-teacher advisory committee, consider: *Who is on the committee? How are members selected? How do you inform parents and the community about the meetings? When does the committee meet? How is work of the committee publicized?*
- The District has a written policy for reciprocal reporting of criminal offenses with local law enforcement. 105 ILCS 5/10-20.14(b).
  - The parent-teacher advisory committee develops this policy with the District.
  - The District should also create a memorandum of understanding (“MOU”) with local law enforcement that clearly defines the law enforcement’s role in schools.

## **DISCIPLINE PROCEDURES**

### **1. Limiting Exclusionary Discipline Generally:** District must limit the use of suspension and expulsion “to the greatest extent practicable.” 105 ILCS 5/10-22.6(b-5).

- The District uses and Code of Conduct includes non-exclusionary methods of discipline. Examples include:
  - Restorative justice approaches
  - Classroom-based interventions (e.g., classroom management and consultation, training in functional analysis of behavior and interventions), and
  - Referrals to appropriate service providers (e.g., school-based mental health service providers and coordination with community-based mental health service providers).
- The District provides additional resources, classroom support and professional development to implement these alternatives.
- The District has specific programs or plans to proactively reduce suspension and expulsion. *Examples include integrated frameworks, such as multi-tiered systems of support, that incorporate school-wide positive behavior support, social-emotional learning and restorative practices.*
- The District collects and reviews discipline data to reduce suspension and expulsion. Questions to consider:
  - *Who is responsible for data collection and review?*
  - *Is there a designated team and team leader?*
  - *How often does the team meet to review these data and evaluate the district progress in reducing suspensions and expulsions?*

- *How are the discipline data and any related recommendations reported to the Board, District administrators, school personnel, and the public?*
- The District has a written plan to reduce exclusionary discipline and any disparate use with sub-groups of students (e.g., by race, gender, or disability).
  - *Starting in fall 2017, an exclusion reduction plan will be required for Districts with the highest rates of suspension, expulsion, and/or racial disproportionality for the previous three school years. See 105 ILCS 5/2-3.160.*
- For an individual student, the District documents the non-exclusionary options implemented before using suspension or expulsion. 105 ILCS 5/10-22.6(b-20) *Do District forms prompt an administrator to document the following before a suspension or expulsion:*
  - *What interventions have been attempted? What data were collected about implementation efforts and results?*
  - *Did the school try more than one intervention? If so, what were the interventions, how long were they implemented and were they implemented as planned (e.g., with fidelity)? What data were collected to document outcomes and changes in programming as a result of reviewing the data?*

**2. Out-of-School Suspension:** Public Act 99-0456 places new restrictions on when suspension may be used and requires Districts to take additional steps before imposing a suspension.

A. A suspension of **3 days or less** is only allowed “if the student’s continuing presence in school would pose a threat to school safety or a disruption to other students’ learning opportunities.” 105 ILCS 5/10-22.6(b-15).

- The Code of Conduct explicitly includes this standard.
- The District has a procedure and tool to help administrators determine when a student would “pose a threat to school safety.” *This must be made on a “case-by-case” basis. Schools cannot assume certain offenses (like fighting) always pose a threat to school safety. Schools should document the specific factors for each situation that support this determination. A systematic threat assessment model, such as the Virginia Threat Assessment guidelines (Cornell, Sheras, Gregory, & Fan, 2009) could be implemented following training of school personnel on its use.*
- The District has a procedure and tool to help administrators determine when a student would cause “disruption to other students’ learning.”
- School officials document in writing the determination of whether the student’s presence poses a safety threat or disrupts other students’ learning opportunities.

B. A suspension **longer than 3 days** is only allowed if “other appropriate and available behavioral and disciplinary interventions have been exhausted” **and** the “student’s

continuing presence in school would pose a threat” to safety or “substantially disrupt, impede, or interfere with the operation of the school.” 105 ILCS 5/10-22.6(b-20).

- The Code of Conduct explicitly includes this standard.
- All suspensions are limited to 10 days.
- The District has other behavior interventions and a process to document when they have been “exhausted.” *See above for information on alternatives.*
  - ***This means that a suspension of more than 3 days cannot be imposed for a first-time offense.***
  - The District has criteria for determining whether an intervention was successful.
- The District has a procedure and tool to help administrators determine when a student would “pose a threat to school safety.” *Consider providing professional development in a threat assessment protocol, such as the Virginia Threat Assessment Guidelines (Cornell et al., 2009); Seek support from school based mental health service providers. Become familiar and seek support in the use of Screening, Assessment, and Support Services (SASS) when a mental health concern is suspected (Illinois Department of Healthcare and Family Services, 2015).*
- The District has a procedure and tool to help administrators determine when a student would “substantially disrupt ... the operation of the school.”

**C. Suspension Procedures:** Suspensions must provide specific procedural protections. 105 ILCS 5/10-22.6

- Suspensions are reported to parents “immediately.” *How? In what form?*
- The written suspension notice includes per 105 ILCS 5/10-22.6:
  - A “full statement of the reason” for the suspension.
  - Describes the specific acts committed, not just listing an offense.
  - Information about the right of a student/parent to appeal.
  - The other non-exclusionary interventions that were attempted.
  - Lists the support services provided to the student during suspension.
- Suspensions must comply with procedural protections for students with disabilities. If a student has an IEP, 504 plan, is being evaluated, or may have a disability, follow the additional procedures in the Code of Conduct.
- Suspension appeals go to the Board or a hearing officer. *What is the process for appeal?*
- For all suspensions, school officials “shall make all reasonable efforts to ... minimize the length of suspensions to the greatest extent practicable.” 105 ILCS 5/10-22.6(b-15 and b-20).

- The District documents how the length of each suspension is determined and ensures that the length is minimized. *What guidelines or criteria does the District use?*
- D. All suspensions are reported to the Board, including the length and reason. 105 ILCS 5/10-22. *When and how does this happen? Who makes the report? How often?*
- 3. **Expulsion:** Public Act 99-0456 creates new limits on expulsions and additional procedural requirements for Districts. 105 ILCS 5/10-22.6(a).
  - Expulsions must follow the procedures and rules for suspensions of more than 3 days. *See the procedural rules above.*
  - Additionally, the Board must determine that expulsion is “in the best interest of the school.” *What criteria or guidelines does the District have for making this determination?*
  - The written expulsion decision by the Board includes the “rationale as to the specific duration of the expulsion.”
  - The District provides notice of any expulsion hearings (with the date and time) by certified mail.
  - The Code of Conduct says expulsions are limited to 2 years? 105 ILCS 5/10-22.6(d)
  - If using a hearing officer, the hearing officer prepares a written summary of the evidence and recommendation for the Board.
  - Any written hearing officer recommendation is provided to the parent before the Board vote.
  - The Board votes on all expulsion decisions. The parent is notified of these votes and given the opportunity to address the board.
  - The Department of Human Services is invited to consult on suspensions or expulsions when mental illness might be a factor in the behavior? 105 ILCS 5/10-22.6(b) *How does the District determine when this applies? Who contacts DHS?*

**SUPPORTS TO STUDENTS WHO ARE EXCLUDED FROM SCHOOL**

1. **Suspended and Expelled Students:** Districts shall provide “appropriate and available support services” to students suspended longer than four days. 105 ILCS 5/10-22.6(b-25).
  - List support services available from the District (e.g. tutoring, counseling):
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    - \_\_\_\_\_
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- The District has a list of services and criteria to determine which services to provide.
  - The Code of Conduct informs students and parents of these services.
  - The suspension and expulsion notices list the services provided.
  - If no services are provided, the notice must document and explain why no services are available or provided.
2. **Make-Up Work:** Suspended students must have the opportunity “to make up work for equivalent academic credit.” 105 ILCS 5/10-22.6(b-30).
- The Code of Conduct explicitly includes a policy about make up work for full credit.
  - The Code of Conduct and suspension notice inform parents and students about how to secure and complete make up work.
3. **Re-entry After School Exclusion:** The District shall have a policy “to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.” 105 ILCS 5/10-22.6(b-30).
- The Code of Conduct explicitly includes a re-engagement policy.
  - The District takes proactive steps to facilitate student re-engagement. *Consider the following steps to re-engage a student:*
    - *A re-engagement meeting including students and parents to develop a plan for ensuring the student is successfully reintegrated into the community including ways to prevent future school exclusion, forms of restorative action, and supportive intervention to aid in student’s academic success.*
    - *Meetings with designated staff to coordinate the transfer of credits or make up work.*
    - *Periodic check-ins with the returning student and school counselor.*
    - *Ongoing social emotional supports or counseling.*
  - The District has forms to document the re-engagement plan, procedures, and results.

## **TRAINING**

1. The District must make a “reasonable effort to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff” regarding specific discipline topics. 105 ILCS 5/10-22.6(c-5).
- When does the District offer training on the following topics this year?
    - Adverse consequences of school exclusion
    - Adverse consequences of criminal justice system involvement
    - Effective classroom management strategies

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- Culturally responsive discipline
- Developmentally appropriate disciplinary methods
  
- Is each training provided to all staff, school resource officers and board members? *How are all relevant persons invited? How does the District track participation to document that each person and group participated?*

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This Checklist was developed by the Transforming School Discipline Collaborative, a collaborative of organizations that are working to ensure that Illinois' schools are safe and supportive for all students. Primary drafting was undertaken by Equip for Equality with vital contributions from members of Loyola University Chicago School of Education, the Education Law and Policy Institute at Loyola University Chicago School of Law, Northwestern University Pritzker School of Law, Chicago Lawyers' Committee for Civil Rights Under Law, Inc., Illinois Safe Schools Alliance, and Prevent School Violence Illinois.