

THE CITIZEN ADVOCACY CENTER'S



Guide to SB100 – Illinois's Student Discipline Reform Law (Issued 11/2019)

What is SB100?

SB100 is an extensive reform of school discipline policies in public and charter schools in Illinois, signed into law on August 24, 2015, by Governor Bruce Rauner. The new law requires school boards and governing bodies of charter schools to develop and administer a discipline system in accordance with SB100's conditions. SB100 abolishes the "zero-tolerance" policy and states that the strictest forms of punishment may only be used for the students that pose a threat to the school community or inhibit the learning environment. That is to say, suspensions and expulsions may only be used as a last resort rather than a first response. The bill makes other important changes, such as the elimination of zero tolerance policies and a prohibition against school officials encouraging students to drop out. In passing SB100, the General Assembly aims to allow schools to maintain order while also providing students with necessary process and guidance to stay in the classroom.

What does SB100 do?

The bill includes the following requirements and goals for public schools in Illinois:

- The eradication of zero-tolerance policies that automatically suspend or expel a student for specific behaviors.
- The elimination of fines or fees as a punishment.
- The minimization of school exclusion as a form of discipline.
- The preservation of school safety and a positive learning environment.
- Support services for students suspended for three or more days.
- The allowance of make-up work after a suspension.
- School officials may no longer advise students to

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Who does SB100 apply to?

SB100 applies to both public and charter schools of all levels. SB100 affects students, teachers, administrators, and parents of students in all of these schools.

All public and charter schools in the state of Illinois must adopt required changes to their disciplinary codes by September 15, 2016.

Illinois Lawmakers Passed SB100 to Address the School-to-Prison Pipeline

SB100 was implemented to decrease school exclusion, increase the positivity of school environments, create more restorative practices, and address the ongoing issue of the “school-to-prison pipeline.” The school-to-prison pipeline is the phenomena that a disproportionate amount of students from disadvantaged backgrounds go straight from school into the juvenile justice system. Studies show that school disciplinary policies have a strong influence on the school-to-prison pipeline. Factors that may contribute to this problem include zero-tolerance policies and the presence of school resource officers. These factors make it more likely that students who commit minor behavioral offenses at school will come into contact with law enforcement at a young age, and therefore, be incarcerated later in life.¹

The school-to-prison pipeline disproportionately impacts students of color and students with disabilities because they are likely to face harsher punishments than their white, able-bodied classmates. According to the U.S. Department of Education’s Office for Civil Rights, African-American students are three times more likely to be suspended or expelled than white students.²

¹ “The Emergence of the School-to-Prison Pipeline.” American Bar Association, www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2014/june_2014/the_emergence_of_the_school-to-prison_pipeline/.

² Nelson, Libby, and Dara Lind. “The School to Prison Pipeline, Explained - Justice Policy Institute.” - Justice Policy Institute, www.justicepolicy.org/news/8775.

What is the disciplinary process under SB100?

SB100 sets new minimum standards of due process when schools seek to suspend or expel a student.

Suspensions of Three Days or Less:

1. May only be assessed when keeping the student in school would pose “a threat to school safety or a disruption to other students' learning opportunities,” as assessed by school administrators.
2. Administrators must make “all reasonable efforts” to correct the threat or disruption and minimize the length of suspension.
3. A written notice of the suspension must be made to the student's parent(s)/guardian, including the reasons for suspension and a notice of their right to review. A summary must be transmitted to the school board.
4. The written notice must now “detail the specific act of gross disobedience or misconduct resulting in the decision to suspend” and “also include a rationale as to the specific duration of the suspension.”
5. Upon request by the parent(s)/guardian, a review of the suspension will be conducted by the Board or a hearing officer in affiliation with the Board. At this hearing, the parent(s)/guardian(s) may discuss the suspension, and after evidence of the hearing officer's report is presented, the Board will see if the action is appropriate.
6. Schools must allow students the opportunity to make up missed work.

Additional Requirements for Suspensions of Four to Ten Days:

1. Allowed only after the exhaustion of “other appropriate and available behavioral and disciplinary interventions.”
2. Allowed only when “the students 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.”
3. For suspensions lasting more than four days, the school must provide “appropriate and available” support services.

Requirements for Expulsion:

1. Before a student is expelled, the student's parent(s) or guardian(s) must be provided with a written notice, by registered or certified mail, to appear at a hearing to determine whether or not the student should be expelled. This notice must include:

- a. The time, date, and the location for the hearing, as well as the description of what will happen during the hearing.
 - b. The behavior that led to the potential expulsion and a description of the student's prior suspensions.
 - c. The statements describing that the School Code allows the School Board for a certain period of time not exceeding 2 calendar years
 - d. A request that the student or parent/guardian or attorney tell the Superintendent or Board Attorney if the student is being represented by an attorney, and if so, their contact information must be shared.
2. Unless the student or parent/guardian indicates that they do not want the hearing or fail to appear at a designated time and place, the hearing will proceed and discussion of whether the student is guilty of wrongdoing will occur. At the hearing, school officers have to provide:
 - a. Testimony of other interventions that may have occurred for the student.
 - b. Evidence of the threat posed by the student.
3. When deciding the time frame of the student's expulsion, the Board should examine:
 - a. The seriousness of the student's actions.
 - b. The history of the student's past actions, if any.
 - c. The possibility of the student's actions affecting the learning environment of other students.
 - d. The extremity of the punishment.
 - e. The student's best interest.
4. If the Board makes the decision to expel the student, their written expulsion must include:
 - a. The rationale of why the student was taken out of the learning environment in full detail.
 - b. The reason why the student is being expelled for a specific time frame AND the reason for the suspension before the expulsion.
 - c. The documentation of how the school administration decided that all disciplinary and behavioral interventions had been debilitated.
 - d. The documentation on the ways how the student's presence in the school would a) pose a serious threat to the students, teachers and other staff members and b) significantly interfere with the learning environment and operations of the school.

- e. The documentation entailing whether appropriate support services were supplied during the suspension, and if they weren't, they must document that none was available.
5. After expulsion, the District may direct the student to suitable support services.

Disciplinary Hearings and the Open Meetings Act

Even though the Open Meetings Act (5 ILCS/120) requires meetings of public bodies, such as school boards, to be open to the public and include an opportunity for public comment, it specifically allows public bodies to close meetings for student disciplinary hearings to protect student privacy.

For More Information:

If you have any questions regarding SB100 and student rights, contact the Citizen Advocacy Center at (630) 833-4080.

This brochure is meant to provide a general guide to SB100 and should not be taken as legal advice.

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