

Public Act 099-0456

SB0100 Enrolled

LRB099 04290 NHT 24315 b

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The School Code is amended by changing Sections 10-20.14, 10-22.6, 27A-5, and 34-19 as follows:

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

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

(a) To establish and maintain a parent-teacher advisory committee to develop with the school board or governing body of a charter school policy guidelines on pupil discipline, including school searches and bullying prevention as set forth in Section 27-23.7 of this Code. School authorities shall,~~to~~ furnish a copy of the policy to the 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 ~~to~~ require that a~~each~~ school inform ~~informs~~ its pupils of the contents of the~~its~~ policy. School boards and the governing bodies of charter schools, along with the parent-teacher advisory committee, must ~~are encouraged to~~ annually review their pupil discipline policies, the implementation of those policies, and any other

factors related to the safety of their schools, pupils, and staff.

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

(b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. 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.

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

(d) The school board, in consultation with the parent-teacher advisory committee and other community-based

organizations, must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as defined in the policy. These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.

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

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

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

(a) To expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the

meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, 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. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

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

Any suspension shall be reported immediately to the parents or guardian of a ~~such~~ pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), 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. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not 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.

(b-5) 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.

(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.

(b-15) 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. For purposes of this subsection (b-15), "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.

(b-20) 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. For purposes of this subsection (b-20), "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. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(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. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. 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.

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

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

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

(c-5) 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.

(d) 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:

(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.

(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.

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

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

safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. ~~The provisions of this subsection (d-5) apply in all school districts, including special charter districts and districts organized under Article 34 of this Code.~~

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

disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities. ~~The provisions of this subsection (c) apply in all school districts, including special charter districts and districts organized under Article 34.~~

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

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

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

(i) 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.

(j) Subsections (a) through (i) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized under Article 34 of this Code.

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

(105 ILCS 5/27A-5)

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

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

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by this amendatory Act of the 93rd General Assembly do not apply to charter schools existing or approved on or before the effective date of this amendatory

Act.

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

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

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

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

(d) A charter school shall comply with all applicable health and safety requirements applicable to public schools under the laws of the State of Illinois.

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

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

(g) A charter school shall comply with all provisions of this Article; the Illinois Educational Labor Relations Act; all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English language learners, referred to in this Code as

"children of limited English-speaking ability"; and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies, except the following:

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

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

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

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

(5) the Abused and Neglected Child Reporting Act;

(6) the Illinois School Student Records Act;

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

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

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

(10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~



Code regarding student discipline reporting.

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

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after the effective date of this amendatory Act of the 93rd General Assembly and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on the effective date of this amendatory Act of the 93rd General Assembly and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school

contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

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

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

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

(Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12; 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised 10-14-14.)

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

Sec. 34-19. By-laws, rules and regulations; business transacted at regular meetings; voting; records. The board

shall, subject to the limitations in this Article, establish by-laws, rules and regulations, which shall have the force of ordinances, for the proper maintenance of a uniform system of discipline for both employees and pupils, and for the entire management of the schools, and may fix the school age of pupils, the minimum of which in kindergartens shall not be under 4 years, except that, based upon an assessment of the child's readiness, children who have attended a non-public preschool and continued their education at that school through kindergarten, were taught in kindergarten by an appropriately certified teacher, and will attain the age of 6 years on or before December 31 of the year of the 2009-2010 school term and each school term thereafter may attend first grade upon commencement of such term, and in grade schools shall not be under 6 years. It may expel, suspend or, subject to the limitations of all policies established or adopted under Section 10-22.6 or 14-8.05, otherwise discipline any pupil found guilty of gross disobedience, misconduct, or other violation of the by-laws, rules, and regulations, including gross disobedience or misconduct perpetuated by electronic means. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program. A pupil who is suspended in excess of

20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not 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. The bylaws, rules and regulations of the board shall be enacted, money shall be appropriated or expended, salaries shall be fixed or changed, and textbooks, electronic textbooks, and courses of instruction shall be adopted or changed only at the regular meetings of the board and by a vote of a majority of the full membership of the board; provided that notwithstanding any other provision of this Article or the School Code, neither the board or any local school council may purchase any textbook for use in any public school of the district from any textbook publisher that fails to furnish any computer diskettes as required under Section 28-21. Funds appropriated for textbook purchases must be available for electronic textbook purchases and the technological equipment necessary to gain access to and use electronic textbooks at the local school council's discretion. The board shall be further encouraged to provide opportunities for public hearing and testimony before the adoption of bylaws, rules and regulations. Upon all propositions requiring for their adoption at least a majority of all the members of the board the yeas and nays shall be taken and reported. The by-laws, rules and regulations of the board shall not be

repealed, amended or added to, except by a vote of 2/3 of the full membership of the board. The board shall keep a record of all its proceedings. Such records and all by-laws, rules and regulations, or parts thereof, may be proved by a copy thereof certified to be such by the secretary of the board, but if they are printed in book or pamphlet form which are purported to be published by authority of the board they need not be otherwise published and the book or pamphlet shall be received as evidence, without further proof, of the records, by-laws, rules and regulations, or any part thereof, as of the dates thereof as shown in such book or pamphlet, in all courts and places where judicial proceedings are had.

Notwithstanding any other provision in this Article or in the School Code, the board may delegate to the general superintendent or to the attorney the authorities granted to the board in the School Code, provided such delegation and appropriate oversight procedures are made pursuant to board by-laws, rules and regulations, adopted as herein provided, except that the board may not delegate its authorities and responsibilities regarding (1) budget approval obligations; (2) rule-making functions; (3) desegregation obligations; (4) real estate acquisition, sale or lease in excess of 10 years as provided in Section 34-21; (5) the levy of taxes; or (6) any mandates imposed upon the board by "An Act in relation to school reform in cities over 500,000, amending Acts herein named", approved December 12, 1988 (P.A. 85-1418).

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(Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.  
7-13-12.)

Section 99. Effective date. This Act takes effect September  
15, 2016.

PROCEDURES FOR IMPLEMENTING BOARD POLICY: **DISCIPLINARY ACTION RELATIVE TO STUDENT MISCONDUCT 8410**

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Section A – Introduction

It is the intention of the School Board of District 225 to discourage and deter student disobedience, misconduct, gross misconduct, egregious conduct, or gross disobedience as said conduct detracts from the safe and harmonious climate conducive to learning. The Board of Education authorizes the Superintendent, as its designee, to administer the following procedures for disciplinary action in cases of gross misconduct, egregious conduct, or gross disobedience by students. The Superintendent shall have the right to appoint designees to act on the Superintendent's behalf, including but not limited to school principals.

Section B – Suspension

The school Principal or designee is authorized by the Board of Education of District 225 to suspend students guilty of disobedience, gross disobedience misconduct, gross misconduct, or egregious conduct, as gross disobedience, gross misconduct, or egregious conduct is described in these policies for a period not to exceed ten school days.

1. Notice and Informal Hearing

In all cases involving a possible suspension, the Principal or designee shall follow the procedures below:

- a. Investigate the allegations before commencing with the suspension procedures.
- b. Provide the student with an informal hearing by:
  - i. Notifying the student orally, if the student is present, or in writing, of the allegations against the student and explaining the evidence substantiating the allegations and specifically stating the section or policies violated.
  - ii. Providing the student with an opportunity to respond to the allegations.
- c. Suspend the student if sufficient evidence of the violation has been found.
- d. The notice and informal hearing shall precede the student's removal from school. However, when, in the opinion of the Principal or designee, the student's presence would endanger persons or property or threatens to disrupt the academic process, removal of the student may precede the notice and informal hearing.

2. Suspension Procedures and Documentation

In all cases of suspension and following the informal hearing, the Principal or designee shall:

- a. Notify the student of the nature and the section(s) of the district's policy(ies) allegedly violated by the student's actions and inform the student that the student is suspended for a specific period of time.
- b. Notify the parent(s)/guardian(s) of the suspension and provide a written statement of the reasons for the suspension, the policy section(s) violated, and the options available to the parent(s)/guardian(s) in discussing the suspension, including their right to a formal review. The suspension decision shall also include a rationale as to the specific duration of the suspension. Notification is to be by telephone and in written form either by first class mail or electronically.
  - i. Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in the 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 administrators shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.
  - ii. 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 the school administration. The determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by the school administration. School administrators shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. It shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.
  - iii. Students who are suspended out-of-school for longer than 4 days shall be provided appropriate and available support services during the period of their suspension. "Appropriate and available support services" shall be



determined by the school administration. It will be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

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

c. Notify the parent(s)/guardian(s) orally and in writing that, if they wish to have an informal review to discuss the suspension, they ~~should contact~~ must request said informal review from the building Principal in writing within three (3) school days after the date of suspension.

3. Informal Suspension Review

a. If the student or parent(s)/guardian(s) requests an informal review, the Principal or designee shall meet with the student and parent(s)/guardian(s) to review the suspension.

b. The Principal, or designee shall notify the student and parent(s)/guardian(s) by telephone or in writing within two (2) school days after the informal review meeting as to whether there will be any change in the suspension as a result of the informal review.

c. If the suspension is reversed or commuted upon the informal review, the student shall immediately be reinstated and the Principal or designee shall notify the student's teachers that the student is entitled to make up all work missed during the period of suspension-related absence without penalty to the student.

d. The Principal or designee shall notify the parent(s)/guardian(s) orally or in writing if the school requires an informal discussion with the parent(s)/guardian(s) prior to the reinstatement of the suspended student.

4. Formal Suspension Review

a. If the parent(s)/guardian(s) wish to appeal the suspension to the Superintendent and Board of Education, the parent(s)/guardian(s) must file a written request for an appeal of the informal review within five (5) school days after the Principal or designee first provides in writing the results of the informal review to the parent(s)/guardian(s). In the event the parent(s)/guardian(s) does not prevail at the informal review, the parent may request a formal suspension review by the Board of Education to the Principal no later than fifteen (15) days after the date of the informal review decision. Alternatively, if the parent(s)/guardian(s) do not request an appeal of the informal suspension review, but elect to proceed directly to a formal suspension review by the Board of Education, a written request must be made to the Principal no later than fifteen (15) days after the date of the suspension notice. The failure to file

any appeal within such deadlines shall be deemed a waiver of the right to all further appeals. In the event of an appeal, the Principal or designee shall forward the parent(s)/guardian(s)' request to the Superintendent, together with all supporting documents.

- b. The Superintendent shall analyze the school ~~staff's~~ principal or designee's actions and recommendations and if the Superintendent does not uphold that suspension, the Superintendent shall direct the Principal to immediately reinstate the suspended student and to notify the student's teachers that the student is entitled to make up all work missed during the period of suspension-related absence without penalty to the student.
- c. If the Superintendent concurs with the ~~staff's~~ principal or designee's actions, the Superintendent shall forward the request for a suspension review to the Board of Education and advise the parent(s)/guardian(s) in writing of the time, place, and nature of the suspension review and indicate to the parent(s)/guardian(s) that written evidence may be presented, and witnesses with personal knowledge of the incident leading to the suspension may be present to provide testimony before the Board of Education or a hearing officer appointed pursuant to Board policy. If the Superintendent forwards the request for a suspension review to the Board, the Board or its appointed hearing officer shall hear the evidence within thirty (30) school days after the request for a suspension review was received and the Board shall make a decision based upon its evaluation of the evidence.
- d. The Superintendent shall advise the parent(s)/guardian(s) and the Principal in writing of the decision of the Board of Education and, if the Board upholds the suspension, no further action shall be required. However, if the Board does not uphold the suspension, the Superintendent shall notify the Principal of the Board's determination and the Principal shall take the ~~appropriate~~ action consistent with the Board's determination.

5. Procedures for Saturday Detention Sessions

- a. The Dean of Students shall schedule a Saturday detention session whenever there are at least five students scheduled to attend the session.
- b. The Dean of Students may schedule a session for the last Saturday of the month, regardless of the number of student participants, provided that no other session has been held during the month.
- c. Saturday detention sessions shall be conducted in a manner similar to sessions of in-school suspensions; student participants are expected to bring their school materials and to perform school work during the detention session.
- d. Saturday detention sessions shall operate from 8:00 a.m. to 2:00 p.m.

- e. Students participating in the Saturday detention program shall provide their own lunch and their own transportation.
- f. ~~Students who are absent from a Saturday detention session~~ Failure to attend a Saturday detention session may result in an in-school suspension assignment, which shall begin their assigned suspension on the school day following the missed Saturday detention session or as otherwise determined by the Dean of Students.
- g. Reasonable and prudent exceptions to the above Saturday Detention procedures may be made by the principal of the building upon good cause shown.

### Section C - Violations: Category I Infractions

Category I comprises acts of gross disobedience, egregious conduct, or gross misconduct such that a single violation may results in removal of the student from school. Examples of these acts could include, but are not limited to, striking or causing harm to another person or damage to property, using explosives, sounding a false fire alarm, violations of Policy 8450: Weapons Possession, or violations of Policy 8460: Illegal Substances and Paraphernalia. In these cases the student may not withdraw from school to avoid discipline. The procedures for treating cases in Category I are as follows:

1. The Principal or designee shall notify the student's parent(s)/guardian(s) of the offense, the policy section(s) violated, and proposed actions by telephone and by mail.
2. The Principal or designee shall immediately suspend the student utilizing the procedures contained in Section B of this policy.
3. The Principal or designee shall notify the Assistant Principal for student services of the actions taken and reasons therefor.
4. The Principal or designee shall compile all disciplinary reports on the concerned student and submit them to the Principal if compiled by the designee.
5. The Principal or designee shall compile all relevant data contained in the Student Services and submit it to the Principal if compiled by the designee.
6. The Principal shall convene the Major Disciplinary Review Committee (MDRC) for the purpose of analyzing the case and making recommendations. The MDRC may convene independent of, or concurrently with, any informal suspension review.
7. The MDRC shall review the circumstances of the case and determine whether a violation of a Category I infraction has occurred and whether due process has been followed. The MDRC may recommend any one or more of the following actions to the Principal:

- a. Expulsion upon terms, conditions, offering of services, and assessment of costs as determined by the Board. When a case is referred to the Board for consideration of expulsion, the MDRC shall prepare a document to be transmitted to the Board containing all reports of the subject incident, relevant background information, and academic and disciplinary history of the student.
  - b. Other actions deemed appropriate by the MDRC, including, but not limited to, a determination that a violation did not occur and/or that due process was not followed.
8. The Principal shall analyze the findings and recommendations.
- a. If the Principal concurs with the findings and recommendations of the MDRC, the Principal shall forward to the Superintendent the Principal's response to the recommendations of the MDRC along with all the supporting documentation.
  - b. If the Principal does not concur, or if there is additional information that should be considered, the Principal shall return the findings and recommendations to the MDRC for further deliberation.
  - c. If after further deliberation by the MDRC, the Principal still does not concur with the recommendations, the Principal shall forward to the Superintendent the Principal's response based on the recommendations, along with all supporting documentation and recommendations from the MDRC.
  - d. The Principal shall notify the appropriate law enforcement authorities if the behavior may be a criminal offense.
9. The Superintendent shall review the findings, conclusions, and recommendations.
- a. If the Superintendent concurs with the Principal regarding the findings and recommendations of the MDRC, the Superintendent shall advise the Principal and the student's parent(s)/guardian(s) of the findings and recommendations as specified in paragraph #10 below.
  - b. If the Superintendent does not concur with the Principal regarding the findings and recommendations of the MDRC, the Superintendent shall advise the Principal accordingly and provide suggestions to the Principal for alternative actions.
  - c. Upon a finding by the Superintendent that the issue involves the determination and application of Board policies that merit Board review, the Superintendent shall refer the matter, without recommendation, to the Board for such action as the Board deems appropriate.

10. If 1) the Superintendent's recommendation is for referral to the Board for consideration of expulsion under Section C 9(a), or if 2) the Superintendent makes a finding under Section C 9(c):
  - a. The Superintendent shall notify the student's parent(s)/guardian(s) by certified or registered letter of the time and place of the expulsion hearing and of the student's and parent(s)/guardian(s)' rights at the hearing before the Board of Education or a hearing officer appointed pursuant to Board policy.
  - b. The Superintendent shall provide to the Board of Education supporting documents, recommendations and reports; and shall inform the Board of the consideration for expulsion; or the Superintendent shall inform the Board of the finding under Section C: 9(c).
  - c. The student and parent(s)/guardian(s) may meet with the Principal or designee and shall have the opportunity to waive their right to a hearing before the Board of Education or its designated hearing officer. In situations deemed appropriate by the Principal or designee, and provided an Alternative Discipline Plan (ADP) is authorized under this Policy, an ADP may be offered to the student or the student's parents/guardian (if the student is under age 18). In waiving the rights to a hearing, the student, with the parent(s)/guardian(s)' consent if the student is under age 18, must:
    - i. Admit to violating school board policy(ies).
    - ii. Agree to all the terms defined in the ADP within 5 school days, if offered, and acknowledge that violation of the terms therein could result in further sanctions that could include a recommendation to the Board of Education for consideration of expulsion.
    - iii. In the event that an ADP is not offered or not accepted, agree to have the matter referred to the Board of Education for consideration of expulsion.
11. If the student, and if necessary the parent(s)/guardian(s) on behalf of the student, waive their right to a hearing to consider the facts of the case and the student and parent(s)/guardian(s) stipulate to the facts, the Board shall review the evidence presented by the Superintendent, as well as the recommendations of the MDRC and/or the Superintendent, and make a determination of discipline. The Board shall not be bound by the recommendations of the MDRC or the Superintendent.
12. The Board's determination will be presented by the Superintendent to the student and/or parent(s)/guardian(s). If the student and/or parent(s)/guardian(s) accept the decision and conditions determined by the Board, said Board decision shall be implemented immediately. If the student and/or parent(s)/guardian(s) do not accept the decision and conditions determined by the Board, they may proceed with a hearing before the Board

of Education, or before a hearing officer assigned pursuant to Board policy, regarding the issues of punishment only.

13. If the student, and/or parent(s)/guardian(s) on behalf of the student, exercise their right to a hearing, the Board shall make a determination based upon its evaluation of the evidence and/or the written summary of the evidence prepared by the hearing officer. If a violation is found by the Board to have occurred, the Board shall make a determination of punishment, but shall not be bound by the recommendations of the MDRC or the administration.
14. Whether offering an ADP, or in the event an ADP is not offered or accepted, the Board's decision in any case involving this policy shall be made on a case-by-case basis and shall not be deemed precedential in effect.

#### Section D - Violations: Category II Infractions

Category II comprises an act or acts which either a) establishes a pattern of student behavior that fails to conform to minimal school expectations including, but not limited to two or more violations of Policies 8450 and 8460; or b) constitutes disobedience, gross disobedience, misconduct, gross misconduct, egregious conduct or includes violations of Policy 8470: Harassment-Students or 8480: Hazing, Bullying, and Aggressive Behavior. The procedures for treating these cases are as follows:

1. The Principal or designee shall notify the student's counselor of the nature and frequency of the disciplinary problems attributed to the student as soon as evidence indicates a serious behavior problem is developing.
2. The counselor, in conjunction with other student services staff as may be appropriate, shall continue to work with the student and parent(s)/guardian(s) in an effort to modify the behavior pattern and to help the student overcome the student's behavioral difficulties.
3. The counselor, social worker, or school psychologist may suggest a referral to consider if the student may require an evaluation to determine whether the student has a disability related to the student's misconduct.
4. The Principal may convene the Major Disciplinary Review Committee (MDRC) for the purpose of reviewing the case and making recommendations. The MDRC may convene independent of, or concurrently with, any informal suspension review.
5. The MDRC shall review the circumstances of the case and determine whether a violation of a Category II infraction has occurred and whether due process has been followed. The MDRC may recommend any one or more of the following actions to the principal:
  - a. Expulsion upon terms, conditions, offer of services, and assessment of costs as determined by the Board. When a case is referred to the Board for consideration

of expulsion, the MDRC shall prepare a document to be transmitted to the Board containing all reports of the subject incident, relevant background information, and academic and disciplinary history of the student.

- b. Other actions deemed appropriate by the MDRC, including, but not limited to, a determination that a violation did not occur, and/or that due process was not followed.
6. Procedures in Section C, paragraphs 8-14 will then be followed.

#### Section E - Students with Disabilities

If the student involved in the disciplinary incident or incidents has a disability, the student's IEP or Section 504 Team will be convened to determine whether or not the behavior in question is a manifestation of the student's disability prior to any long-term disciplinary removal and pursuant to the requirements of federal and State law.

1. If the IEP Team determines that the misconduct in question is not a manifestation of the student's disability, the matter will be referred back to the MDRC for review and determination in accordance with the procedures of this policy. Students whose behavior is not a manifestation of a disability shall be subject to the disciplinary actions applicable to non-disabled students.
2. If the IEP Team determines that the student's misconduct is a manifestation of the student's disability, the IEP or Section 504 Team will report their finding along with any changes made in the IEP to the MDRC as well as to the building Principal.

#### Section F – Professional Development

The school district 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.

Revised: July 14, 1986; July 28, 1986; August 26, 1996; August 25, 1997;  
August 21, 2000; August 11, 2003

Adopted: May 9, 2005 (Replaced Policy 8140: Major Disciplinary Problems and Policy 8120: Student Suspensions)

Revised: June 26, 2006, July 9, 2007, June 22, 2015,

**ALTERNATIVE DISCIPLINE PLAN**

We, student and parent(s)/legal guardian(s), admit that (insert name of student + ID#) has violated Board Policy(ies) (insert policy(ies)), and that the violation is an expellable offense under said Board Policy(ies), and under Section 5/10-22.6 of the Illinois School Code, 105 ILCS 5/10-22.6. We acknowledge we are aware the student is entitled to a due process hearing before the Board or its designated hearing officer to determine whether Board Policy(ies) have been violated, and expressly waive the right to a hearing on those issues, and agree to accept the proposed Alternative Discipline Plan (ADP).

We further agree and acknowledge (a) that in the event of a failure to comply with the terms outlined in the ADP according to the timeline provided for in the ADP (each a “Failure to Comply”), the Board may impose sanctions, including expulsion under the applicable Board Policy(ies), to the same extent as if this ADP had not been entered into, and (b) that in the event of a Failure to Comply, the Board may be entitled to reimbursement for all costs otherwise

assumed by the District under this ADP, along with all costs, expenses and attorneys’ fees incurred by the District in connection with enforcement of its rights herein.

We certify that we have read this document, and have had the opportunity to discuss its contents with a representative and/or attorney of our choosing, or have waived that opportunity and we have freely and voluntarily signed this document with the intention to be bound by its terms.

This ADP will remain available for acceptance and must be accepted by both student and parent(s)/guardian(s) by (insert date 5 school days beyond offering date). Parent(s)/guardian(s) and the student must commence compliance with all terms, provisions, and requirements of the ADP by (insert date 10 school days beyond offering date), and demonstrate that compliance to the Assistant Principal for Student Services or the SAP Coordinator. Active participation in the prescribed program, as reported by the provider, is required. Failure of both student and parent(s)/guardian(s) to agree to these terms by the above date will result in the revocation of the offer of this ADP and in the matter being remanded to the MDRC for further review and possible referral to the Board of Education for consideration of expulsion.

(Insert ADP provisions here.)

Student \_\_\_\_\_ Date \_\_\_\_\_

Parent/Legal Guardian \_\_\_\_\_ Date \_\_\_\_\_

Parent/Legal Guardian \_\_\_\_\_ Date \_\_\_\_\_

School Official \_\_\_\_\_ Date \_\_\_\_\_



**VOLUNTARY WAIVER OF HEARING**

1.) **WAIVER OF HEARING ON VIOLATION OF BOARD POLICY(IES):**

We, student/parent(s)/legal guardian(s), admit that (insert name of student + ID#) has violated Board Policy(ies) (insert policy(ies)), and that the violation is an expellable offense under Board Policy and Section 5/10-22.6 of the Illinois School Code, 105 ILCS 5/10-22.6. We acknowledge that we are aware the student is entitled to a hearing before the Board to determine whether Board Policy(ies) have been violated. However, we expressly waive the right to a hearing on that issue and agree that the Board may impose disciplinary sanctions, which may include expulsion.

2.) **WAIVER OF HEARING ON PENALTY IMPOSED FOR VIOLATION OF BOARD POLICY(IES):**

We further acknowledge that we are aware the student/parent(s)/legal guardian(s) may request and receive a hearing before the Board to determine the duration and conditions of the disciplinary action. However, we expressly waive the right to that hearing regarding the duration and conditions of the disciplinary action, and agree to allow the Board to review the evidence and recommendations of the administration and determine the duration and conditions of the disciplinary action.

3.) **APPEAL OF THE BOARD'S DECISION ON PENALTY IMPOSED FOR VIOLATION OF BOARD POLICY(IES)**

Notwithstanding the Board's final determination on the duration and conditions of the disciplinary action, we understand that we have the right to appeal the duration and conditions imposed before a hearing officer of the Board's choice.

If we exercise the option to appeal the Board's determination on the duration and conditions of the disciplinary action, we acknowledge that the Board has, with our permission, already reviewed the evidence and recommendations. Therefore, we agree that such prior review shall not constitute a violation of due process.

We agree that the Board may consider all evidence relating to the violation of Board Policy, as well as recommendations and case review of the Major Disciplinary Review Committee, the Administration's recommendation, and the student's grades, and disciplinary record. We further acknowledge that we are aware the Board may accept, reject or modify the recommendations of the Major Disciplinary Review Committee and Administration, and is not bound thereby.

We further agree the student's suspension shall continue until there is a final decision by the Board, or until the conclusion of the due process hearing, if requested, as to the duration and conditions of the expulsion.

We certify we have read this document, we have had the opportunity to discuss its contents with a representative and/or attorney of our choosing, and we have freely and voluntarily signed this document with the intention to be bound by its terms.

Student \_\_\_\_\_ Date \_\_\_\_\_

Parent/Legal Guardian \_\_\_\_\_ Date \_\_\_\_\_

Parent/Legal Guardian \_\_\_\_\_ Date \_\_\_\_\_

School Official \_\_\_\_\_ Date \_\_\_\_\_

**BOARD POLICY: STUDENT SMOKING AND TOBACCO**

**8430**

Page 1 of 4 Pages

Section A – Jurisdiction

The use, possession, or distribution of Tobacco or an alternative nicotine product, is prohibited when it occurs:

1. In any physical area in, or attendant to school or District-sponsored or related activities, whether or not such area is on school or District property (including but not limited to, school buildings and lands, District offices), or at any school-sponsored or related activities, performances, extracurricular and athletic events, school-sponsored travel to other venues; and
2. On school-supplied or sanctioned transportation to or from any of the above; and
3. During activities or events at other locations, if the administration determines that the incident either bears a nexus (i.e. impact or connection) to the school, safety at school, or is disruptive to the educational environment.

In addition to the above jurisdiction, the administration is authorized to establish a Code of Conduct that imposes progressive loss of privileges by reason of any conduct by a student in violation of these policies wherever the conduct or event occurs. Students who participate in extracurricular activities such as inter-scholastic athletic, drama, fine arts and other events or competitions or who participate in clubs and activities are representatives of the District's schools, and as such are expected to conform their behavior to these policies as a condition to continued enjoyment of these privileges.

Section B – Definitions

1. "Tobacco," and/or "tobacco product" as used in this Policy, shall mean cigarettes, tobacco products, cigars, pipes, and tobacco in any other form, whether or not lit or smoked, including smokeless tobacco which is loose, cut, shredded, ground, powdered, compressed, and leaf tobacco that is intended to be placed in the mouth without being smoked.
2. "Alternative nicotine product" as used in this policy shall mean a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" excludes cigarettes, smokeless tobacco, or other tobacco products and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

**Section C – Violations**

A student shall be considered in violation of this policy, hereafter referred to as the “Smoking Policy,” when the student is observed:

1. Holding a lit or unlit cigarette, tobacco product, or alternative tobacco product or any cartridge or component of an alternative tobacco product;
2. Throwing away a cigarette; or
3. Exhaling smoke or vapor from the mouth or nose; or,
4. Placing any tobacco or alternate tobacco products in the mouth or nose; or
5. Occupying or exiting a bathroom cubicle, vehicle, space or area from which smoke or vapor is emanating.
6. Possessing a tobacco product, an alternative tobacco product or any cartridge or component of an alternative tobacco product.

**Section D – Procedures**

The dean of students will review incidents of violations of the Student Smoking and Tobacco Policy. If the charges are found to be valid, the dean of students shall follow the procedures below:

1. First Offense and Second Offense
  1. Assign the student a one-day Learning Adjustment Center (LAC) placement, or as an alternative to the LAC, the student may elect to attend a six-hour Saturday Detention; and
  2. Counsel the student concerning the harmful effects of smoking and/or tobacco use and inform the student of the provisions of the Student Smoking and Tobacco Policy; and
  3. Telephone the student’s parent(s)/guardian(s) and inform them of the infraction, the penalty, and of the potential penalties for future infractions; and
  4. Mail or email (when an email address has been provided by the parent(s)/guardian(s)) a copy of the referral form and a copy of the smoking policy to the student’s parent(s)/guardian(s).
  5. ~~Referral to Student Resource Officer for enforcement of village ordinance.~~

**Section D – Procedures** (continued)

2. Third Offense

1. ~~Assign~~ The student may be assigned to an out-of-school suspension for one day.
2. Counsel the student.
3. Conduct a telephone conference with the student's parent(s)/guardian(s), inform them of the infraction and the penalty, or request that they come to the school for a conference, if the dean believes such a conference is desirable.
4. Mail a copy of the referral form to the student's parent(s)/guardian(s).
5. ~~Referral to Student Resource Officer for enforcement of village ordinance.~~

3. Fourth Offense

1. ~~Assign~~ The student may be assigned to an out-of-school suspension for two school days.
2. Counsel the student.
3. Conduct a telephone conference with the student's parent(s)/guardian(s), inform them of the infraction and the penalty, or request that they come to the school for a conference, if the dean believes such a conference is desirable.
4. Mail a copy of the referral form to the student's parent(s)/guardian(s).
5. ~~Referral to Student Resource Officer for enforcement of village ordinance.~~

4. Fifth Offense

1. ~~Assign~~ The student may be assigned to an out-of-school suspension for three school days.
2. Counsel the student.
3. Conduct a telephone conference with the student's parent(s)/guardian(s), inform them of the infraction and the penalty, or request that they come to the school for a conference, if the dean believes such a conference is desirable.
4. Mail a copy of the referral form to the student's parent(s)/guardian(s).
5. ~~Referral to Student Resource Officer for enforcement of village ordinance.~~



Section D – Procedures (continued)

5. Each Additional Offense

1. Assign The student may be assigned to an out-of-school suspension for five school days.
2. Counsel the student in a manner deemed appropriate to prevent future violations of this policy.
3. Telephone the student’s parent(s)/guardian(s), inform them of the infraction and the penalty, and request that they come to the school for a conference, if the dean believes such a conference is desirable.
4. Mail a copy of the referral form to the student’s parent(s)/guardian(s).
5. ~~Referral to Student Resource Officer for enforcement of village ordinance.~~

Section E - Enumeration of Offenses

Offenses shall be cumulative during a school year and shall not be cumulative over the student’s high school years.

Approved: May, 7, 1973  
Revised: April 15, 1980; June 9, 1997  
Reviewed: October 9, 2001  
Revised: August 11, 2003  
Revised: April 11, 2005 (Renumbered from 8070)  
Revised: June 22, 2015

Section A – Introduction

The Board of Education of District #225 views the presence and use of illegal substances as a significant impediment to student learning, positive social development, responsible citizenship, and safety. Furthermore, the Board believes that parents, guardians and students should expect a school environment free of illegal substances, influences of illegal substances, and of illegal substance paraphernalia. The purpose of this policy is to foster an environment that is conducive to learning and free of illegal substances within the jurisdiction of the school.

Section B – Jurisdiction

The provisions of this policy shall be in force:

1. In any physical area on or attendant to school or District property;
2. At any school or District-sponsored or related activities, performances, extracurricular and athletic events;
3. During school or District-sanctioned or provided travel and transportation; and
4. At any other activity or event, if the administration determines that the incident bears a connection to, or impact on the school, safety at school, or is disruptive to the educational environment.

Section C – Definition of Terms

1. The term “illegal substance” is defined as:
  - a. Any alcoholic substance as defined in The Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*);
  - b. Any controlled substance listed under the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*);
  - c. Cannabis (as defined in Illinois’ Cannabis Control Act - 720 ILCS 550/3(a)) regardless of whether it has been prescribed;
  - d. Any look-alike, counterfeit, or synthetic substances, including a substance not containing an illegal or controlled substance, but one: (i) that a student reasonably believes to be, or represents to be, an illegal or controlled substance; or (ii) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal or controlled substance; or (iii) which is further defined in 720 ILCS 570/102(y);



- e. Any drug paraphernalia (as defined in 720 ILCS 600/2(d));
  - f. Any anabolic steroid (as defined in 720 ILCS 570/102(c-1)) unless possessed or used pursuant to a prescription from a duly licensed physician or prescriber;
  - g. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list;
  - h. Any compound, liquid, or chemical, regardless of whether it contains an illegal substance, that: (i) is ingested, inhaled, or used for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, or irrational behavior or in any manner distorting, or disturbing the auditory, visual, or mental process; or (ii) is further defined in 720 ILCS 690/1; and any drug, when such drug is used, possessed, distributed, purchased, or sold in a manner inconsistent with the prescription and/or the prescribed purpose.
2. The term "use" is defined as having consumed, exhibited any evidence of consumption, or participated in a plan to consume regardless of taking place within the Jurisdiction.
  3. The term "possession" is defined as having control, custody, or care, currently or in the past, of an item, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, supplies, backpack, or automobile; (c) in a school locker, desk, or other school property; or (d) at any location mentioned within the Jurisdiction.
  4. The term "consideration" is defined as something bargained for, which motivates a person to do something – including, but not limited to, money, an act, a forbearance, or a return promise.
  5. The term "distribution" is defined as the actual, constructive or attempted transfer of possession from one person to another without evidence of consideration. The offense of distribution is only attributable to the transferor.
  6. The term "receipt" is defined as the acceptance of the actual, constructive or attempted transfer of possession from one person to another without evidence of consideration.
  7. The term "purchase" is defined as obtaining possession by providing consideration.
  8. The term "sale" is defined as the actual, constructive or attempted transfer of possession from one person to another with evidence of consideration.
  9. The term "drug" is defined as medication that has been prescribed to a specific person by a licensed physician or prescriber.

10. A drug or substance, with the exception of cannabis as mentioned in paragraph 1(c) above, shall not be considered an “illegal substance” when the drug or substance is prescribed by a licensed physician or prescriber provided said drug or substance is used consistent with the licensed physician or prescriber’s instructions.
11. The term “egregious conduct” includes, but is not limited to, any of the following:
  - a. The distribution, use, receipt or possession of an illegal substance coupled with the threat of infliction of physical harm;
  - b. The sale of an illegal substance;
  - c. The purchase of an illegal substance;
  - d. The distribution, receipt, use, or possession of an illegal substance coupled with any other illegal conduct or violation of any other District policy; or
  - e. The distribution, receipt, use, or possession of an illegal substance coupled with conduct which endangers or has the potential to endanger the health or safety of others with or without the consent of the recipient.
  - f. Violation of this policy along with that of another board policy.

**Section D – Violations and Consequences**

The administration is directed to take the following action regarding the use, possession, distribution, receipt, purchase, or sale of any illegal substance as defined in Section C:

1. A student’s first violation for the use, possession, receipt, or distribution of an illegal substance will result in:
  - a. Suspension for up to ten (10) school days
  - b. Submission to a full substance abuse assessment from a school-designated agency and compliance with all requirements arising from such assessment, including random drug testing. The results of such testing must be negative for the presence or use of illegal substances. A failure to comply with the assessment and its requirements will result in the MDRC’s referral to the Board of Education for consideration of expulsion.

- c. The parent(s)/guardian(s) and student will be required to sign any necessary releases to allow for the coordination and delivery of services related to the full substance abuse assessment. Similarly, the parents and student will be required to sign any necessary releases to allow for the sharing of the assessment's recommendations among the parent(s)/guardian(s), school officials, the provider of the assessment, and the student.
  - i. The cost of the counseling, assessment, treatment plans, and any testing affiliated with the assessment(s) will be the responsibility of the student or parent(s)/guardian(s), unless otherwise determined by the Board in its discretion.
  - ii. In cases involving minor children, parent(s)/guardian(s), by signing the necessary releases, are waiving their rights, and their child's rights, to the confidentiality of the assessment(s).
  - iii. In cases involving students who are 18 years of age or older, students, by signing the necessary releases, are waiving their rights to the confidentiality of the assessments and are allowing parental/guardian access to the assessment(s) results.
  - iv. A failure of any student and/or parent(s)/guardian(s) to sign all releases required under this Section will result in the MDRC's referral to the Board of Education for consideration of expulsion.
- d. Loss of privileges during the suspension period and for a probationary period beginning upon completion of the suspension.
  - i. Loss of open lunch for nine weeks;
  - ii. Loss of driving privileges for nine weeks;
  - iii. Restricted study hall in lieu of unscheduled time for nine weeks;
  - iv. Loss of participation in extracurricular activities according to the prescribed action for a violation of the Glenbrook Code of Conduct; and
  - v. Loss of attendance at school sponsored events, ceremonies (including graduation) and activities that are in addition to the student's participation in extracurricular activities for nine weeks. The Board has the discretion to impose other sanctions including, but not limited to community service as a condition for graduation.

- e. A student's and parent's/guardian's agreement to comply with the above provisions may result in a reduction of the suspension to five school days.

In situations of egregious conduct, the superintendent or designee shall refer the matter directly to the School Board for consideration of sanctions, including expulsion. A violation under this policy may also constitute a violation under Policy 8410: Disciplinary Action Relative to Student Misconduct.

- 2. A student's second violation for the use, possession, receipt, or distribution of an illegal substance will result in:
  - a. Suspension for up to ten (10) school days;
  - b. Referral by the MDRC to the Board of Education for consideration for expulsion;
  - c. If mutually agreed upon by the Principal, Superintendent, student, and parent(s)/guardian(s) (for students under the age of 18), the completion of an Alternative Discipline Plan (ADP);
  - d. An ADP's provisions shall include, but shall not be limited to:
    - i. Counseling for the student and parent(s)/guardian(s) as developed by the principal or designee and the school-designated agency.
    - ii. Submission to a full substance abuse assessment from a school-designated agency and compliance with all requirements arising from such assessment, including random testing, is required. The results of such testing must be negative for the use of illegal substances.
    - iii. The parent(s)/guardian(s) and student will be required to sign any necessary releases to allow for the coordination and delivery of services related to the full substance abuse assessment. Similarly, the parent(s)/guardian(s) and student will be required to sign any necessary releases to allow for the sharing of the assessment's information among parent(s)/guardian(s), school officials, the provider of the assessment, and the student.
      - a. In cases involving minor children, parent(s)/guardian(s), by signing the necessary releases, are waiving their rights, and their child's rights, to the confidentiality of the assessment(s).
      - b. In cases involving students who are 18 years of age or older, students, by signing the necessary releases, are waiving their rights to the confidentiality of the assessment(s) and are allowing parental/guardian access to the assessment(s) results.

- c. Failure of any parent(s)/guardian(s) or student to sign any release necessary for participation in the ADP will result in an ineligibility to qualify for the ADP and will result in the MDRC's referral to the Board of Education for consideration of expulsion.
- iv. The cost of the counseling, assessment, treatment plans, and testing affiliated with the assessment(s) will be the responsibility of the student or parent(s)/guardian(s).
- v. Loss of privileges during the suspension and for a probationary period beginning upon completion of the suspension:
  - a. Loss of open lunch for one calendar year;
  - b. Loss of driving privileges for 18 weeks;
  - c. Restricted study hall in lieu of unscheduled time for 18 weeks;
  - d. Loss of participation in extracurricular activities as prescribed by the Glenbrook Code of Conduct; and
  - e. Loss of attendance at school sponsored events or activities that are in addition to the student's participation in extracurricular activities for 18 weeks.
- vi. A re-entry meeting with the principal or designee upon completion of the ADP to review academic progress and to review the need for additional transition services may be necessary.
- vii. Failure to accept or comply with any terms of the ADP will result in the MDRC reconvening to consider additional sanctions that may include referral to the Board of Education for consideration of expulsion.

In situations of egregious conduct, superintendent or designee shall refer the matter directly to the School Board for consideration of sanctions, including expulsion. A violation under this policy may also constitute a violation under Policy 8410: Disciplinary Action Relative to Student Misconduct.

- 3. A student's third and any subsequent violation for the use, possession, or distribution, of an illegal substance(s) will result in referral by the MDRC to the Board of Education for consideration for expulsion.

Section E – Procedures and Interventions

1. The Administration is authorized by the Board to develop intervention procedures and procedures for administering penalties for any violation of this policy in accordance with the procedures of Policy 8410: Disciplinary Action Relative to Student Misconduct.
2. The Administration will advise the Board each time an Alternative Discipline Plan (“ADP”) has been commenced for a student, including providing (i) a description of the violations and circumstances for which the ADP was prescribed; (ii) a description of the terms of the ADP, and (iii) a copy of the ADP agreement entered into by the student, parents and the District.

Section F – Enumeration of Offenses

Offenses shall be cumulative over the student’s high school years.

Section G – Substance Abuse Education

The Board of Education directs and authorizes the Superintendent or designee to develop programs of education on the subject of illegal substance possession and use and to establish procedures for their implementation.

Section H – Reporting of Substance Abuse

Employees of the District who have reasonable suspicion or who witness an act they believe to be a violation of this policy on school premises or off school premises, or at school-sponsored or school-connected events shall immediately report the incident with the name of each student involved to the dean of students.

Section I – Cooperation with Law Enforcement Agencies

The staff and administration are directed to communicate and cooperate with law enforcement agencies in matters relating to a violation of this policy in accordance with Reciprocal Reporting Agreements approved by the Board and the respective Villages.

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