



## ISBE Position Statement on Informal Removals of Illinois Students

The Illinois State Board of Education (ISBE) has been alerted to instances in districts across the state whereby students are sent home by the school during the school day and/or told by the school to remain at home, **without** the school documenting such action as a suspension. This has been reported in situations where the student has engaged in behavior that does not rise to the level of gross disobedience or misconduct (including, but not limited to, work refusal, tantrums, and various disability-based behaviors) and also in some instances where there is insufficient staff to cover a classroom due to teacher absences. ISBE takes the position that such exclusions are tantamount to a suspension pursuant to Section 10-22.6 of the Illinois School Code (105 ILCS 5/10-22.6) – even if the parent or guardian agrees to the exclusion – and all rights and responsibilities therein apply. Please see this [link](#) to an ISBE resource that fully explains what students must be provided per Section 10-22.6 of the School Code.

Further, exclusions for students with specialized education needs must also meet the requirements of a removal under the Individuals with Disabilities Education Act (IDEA) (20 USC § 1400 et seq.) and Section 226.400 of ISBE's administrative rules, which provides, in part, the following:

“[U]pon the occurrence of any act that may subject the student either to expulsion from school or suspension resulting in **more than ten cumulative days of suspension** during any one school year, the district shall be **required to convene a meeting of the IEP Team** to review the student's behavioral intervention plan or, if a behavioral intervention plan has not yet been developed, to develop one.” 23 Ill. Admin. Code 226.400 (emphasis added).

The Illinois School Code expresses clear disfavor towards removing students from the learning environment. To this point, Section 10-22.6(b-5) provides the following:

“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.**” 105 ILCS 5/10-22.6(b-5) (emphasis added).

In line with the above legislatively prescribed framework, please note ISBE's position(s) below relevant to informal removals of students:

- A school or school district requesting a parent to pick up a student early or keep a student home due to that student's behavior must meet the requirements of a suspension in Section 10-22.6.
- Discipline records created pursuant to Section 10-22.6 of the Illinois School Code must be documented in a student's "school student record" in accordance with the provisions of the Illinois School Student Records Act. See 105 ILCS 10/2(d)-(f) and 23 Ill. Admin. Code 375.10.

- In-school removal of a student with an Individualized Education Program (IEP) or Section 504 Plan from the classroom often constitutes a day of suspension. An in-school suspension for all or part of a school day should be considered a day of suspension for a child with an IEP or 504 Plan unless the child (1) is afforded the opportunity to continue to appropriately participate in the general curriculum, (2) continues to receive the services specified on the child’s IEP or 504 Plan, and (3) continues to participate with nondisabled children to the extent they would have in the child’s current placement. See U.S. Department of Education Office of Special Education and Rehabilitative Services, [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions](#), Question C-1 and Answer, p. 11 (July 19, 2022).

ISBE encourages all school leaders to review the U.S. Department of Education’s July 2022 [guidance documents](#) discussing, amongst other things, the discipline of students with disabilities and the use of “informal removals.”

For additional assistance, please reference ISBE’s School Discipline [webpage](#) or Special Education [webpage](#), or email ISBE’s Student Care Department at [studentcare@isbe.net](mailto:studentcare@isbe.net).