

Public Act 99-0456 School District Self-Assessment Checklist

Public Act 99-0456¹ creates new discipline and training requirements that apply to all publicly-funded schools in Illinois, including charter schools. Please use this checklist to update and revise your school discipline policies.

All school districts² must comply with Public Act 99-0456 by September 15, 2016.

This checklist details the Act’s new requirements, as well as “Implementation Tips” that provide steps that your district can take to implement the Act. While these tips are not explicitly required by the Act, they address topics that your district should consider for implementation. Items in italics are questions or suggestions for implementation.

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

- Code of Conduct and/or Student Handbook
- Discipline procedures and School Board³ policies related to discipline
- Discipline forms, including referrals, checklists, or suspension and expulsion notices
- School and Professional Development calendars

NEW REQUIREMENTS FOR STUDENT DISCIPLINE POLICIES

1. **New Rules:** Your school district’s Code of Conduct⁴ must comply with specific rules added by Public Act 99-0456.
 - No zero-tolerance policies, which *require* administrators to suspend or expel students for certain offenses, unless required by federal or state law. 105 ILCS 5/10-22.6(b-10).

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

² The term “School District” or “District” is intended to include charter schools.

³ The term “School Board” is intended to include governing boards of charter schools.

⁴ We recognize that your school district may not have a document entitled, “Code of Conduct,” but we use this term to describe the document where your school district details its rules and consequences for students, as well as other student disciplinary policies and procedures.

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- No monetary fines or fees for disciplinary consequences, except for restitution for lost, stolen or damaged property. 105 ILCS 5/10-22.6(i).
- Staff cannot encourage students to drop out. 105 ILCS 5/10-22.6(h).

2. Charter Schools: Sections 10-20.14, 10-22.6, and 34-19 of the Illinois School Code now apply to charter schools. 105 ILCS 5/27A-5(g)(2).

Use the checklist to verify that your charter school's Code of Conduct and discipline procedures comply with these sections.

3. Community Involvement: District procedures must meet these requirements.

- Provide the Code of Conduct to students and parents before the 15th day of school each year. 105 ILCS 5/10-20.14(a). *How will the District distribute its Code of Conduct? Consider sending it home on the first day of school, providing it at orientation, registration, or Back to School Night*
- The District has a policy specific to bullying prevention, which is developed with the parent-teacher advisory committee. 105 ILCS 5/10-20.14(a).
- The Code of Conduct is reviewed every year with the parent-teacher advisory committee. 105 ILCS 5/10-20.14(a).
 - *Who is on the advisory committee? How are members selected? How do you inform parents and the community about the meetings? When does the committee meet? How is work of the committee publicized? How do you ensure that the committee is reflective of your district's community?*
- The District has a written policy for reciprocal reporting of criminal offenses with local law enforcement. 105 ILCS 5/10-20.14(b).
 - The parent-teacher advisory committee develops this policy with the District. 105 ILCS 5/10-20.14(b).
 - Districts are encouraged to develop a memorandum of understanding ("MOU") with local law enforcement that clearly defines the law enforcement's role in schools. 105 ILCS 5/10-20.14(b).

DISCIPLINE PROCEDURES

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

IMPLEMENTATION TIPS

Limiting school exclusion “to the greatest extent practicable”

- The District uses, and the Code of Conduct includes, non-exclusionary methods of discipline. *Examples include:*
 - Restorative justice approaches (e.g., restorative conversations, peace circles, peer juries, mediation)*
 - Classroom-based interventions (e.g., classroom management and consultation, training in functional analysis of behavior and interventions)*
 - Referrals to appropriate service providers (e.g., school-based mental health service providers and coordination with community-based mental health service providers)*
- The District provides additional resources, classroom support and professional development to implement these alternatives.
- The District has specific programs or plans to proactively reduce suspension and expulsion. *Examples include integrated frameworks, such as multi-tiered systems of support, that incorporate school-wide positive behavior support, social-emotional learning and restorative practices.*
- The District collects and reviews discipline data to reduce suspension and expulsion. *Questions to consider:*
 - Who is responsible for data collection and review?*
 - Is there a designated team and team leader?*
 - How often does the team meet to review this data and evaluate the district’s progress in reducing suspensions and expulsions?*
 - How will the discipline data and any related recommendations be reported to the Board, District administrators, school personnel, and the public?*
- The District develops a written plan to reduce exclusionary discipline and any disparate use with sub-groups of students (e.g., by race, gender, or disability).
 - Starting in fall 2017, an exclusion reduction plan will be required for Districts with the highest rates of suspension, expulsion, and/or racial disproportionality for the previous three school years. 105 ILCS 5/2-3.160.*
- For an individual student, the District documents the non-exclusionary options implemented before using suspension or expulsion or the basis for concluding that there were no other appropriate and available interventions. *Do District forms prompt an administrator to document the following before a suspension or expulsion:*
 - What interventions have been attempted? What data were collected about implementation efforts and results?*
 - Did the school try more than one intervention? If so, what were the interventions, how long were they implemented and were they implemented as planned (e.g., with fidelity)? What data was collected to document outcomes and changes in programming as a result of reviewing the data?*
 - If the administrator determines that there were no other appropriate and available interventions, how is that documented?*

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

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

IMPLEMENTATION TIPS

Determining “if the student’s continuing presence in school would pose a threat to school safety or a disruption to other students’ learning opportunities”

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

B. A suspension **4 days or more** is only allowed if “other appropriate and available behavioral and disciplinary interventions have been exhausted” **and** the “student’s continuing presence in school would pose a threat” to safety or “substantially disrupt, impede, or interfere with the operation of the school.” 105 ILCS 5/10-22.6(b-20).

IMPLEMENTATION TIPS

Determining when “other appropriate and available behavioral and disciplinary interventions have been exhausted”

- The Code of Conduct explicitly includes this standard.
- The District has other behavior interventions and a process to document when they have been “exhausted.” *See above for information on alternatives.*
- The District has criteria for determining whether an intervention was successful.

IMPLEMENTATION TIPS

Determining when the “student’s continuing presence in school would pose a threat” to safety or “substantially disrupt, impede, or interfere with the operation of the school”

- The Code of Conduct explicitly includes this standard.
- The District has a procedure to help administrators determine when a student would “pose a threat to school safety.” *Consider providing professional development in a threat assessment protocol. Seek support from school based mental health service providers. Become familiar and seek support in the use of Screening, Assessment, and Support Services (SASS) when a mental health concern is suspected (Illinois Department of Healthcare and Family Services, 2015).*
- The District has a procedure to help administrators determine when a student would “substantially disrupt, impede or interfere with the operation of the school.”

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

- Suspensions are reported to parents “immediately.” *How? In what form?*
- The written suspension notice includes, per 105 ILCS 5/10-22.6:
 - A “full statement of the reason” for the suspension.
 - *Consider describing the specific acts committed, not just listing an offense.*
 - Information about the right of a student/parent to appeal.
 - The support services that will be provided to the student during a suspension longer than 4 days.
 - *Consider also documenting other non-exclusionary interventions that were attempted or the basis for concluding that there were no other appropriate and available interventions.*
- Suspensions must comply with procedural protections for students with disabilities. If a student has an IEP, 504 plan, is being evaluated, or may have a disability, follow the additional procedures in the Code of Conduct.
- Suspension appeals go to the Board or a hearing officer. *What is the process for appeal?*
- For all suspensions, school officials “shall make all reasonable efforts to... minimize the length of suspensions to the greatest extent practicable.” 105 ILCS 5/10-22.6(b-15 and b-20).

IMPLEMENTATION TIPS

Making “reasonable efforts to...minimize the length of suspensions to the greatest extent practicable”

- The District documents how the length of each suspension is determined.
- The District has guidelines or criteria to determine the length of a suspension.
- The District has guidelines or criteria to determine that the suspension is minimized.

D. All suspensions are reported to the Board, including the length and reason. 105 ILCS 5/10-22.6(b). *When and how does this happen? Who makes the report? How often?*

3. Expulsion: Public Act 99-0456 creates new limits on expulsions and additional procedural requirements for Districts. 105 ILCS 5/10-22.6(a).

- The District follows the procedures and rules for suspensions of more than 3 days. *See the procedural rules above.*
- The Department of Human Services is invited to consult on suspensions or expulsions when mental illness might be a factor in the behavior. 105 ILCS 5/10-22.6(c). *How does the District determine when this applies? Who contacts DHS?*
- The District provides notice of any expulsion hearings (with the time, place, and purpose) by registered or certified mail. 105 ILCS 5/10-22.6(a).
- If using a hearing officer, the hearing officer prepares a written summary of the evidence and recommendation for the Board. 105 ILCS 5/10-22.6(a).
- The Board must determine that expulsion is “in the best interest of the school.” *What criteria or guidelines does the District have for making this determination?*
- The written expulsion decision by the Board includes the “rationale as to the specific duration of the expulsion.” 105 ILCS 5/10-22.6(a).
- The parent is notified of the decision and given the opportunity to obtain a copy of the written expulsion decision. 105 ILCS 10/2.
- Expulsions are limited to 2 years. 105 ILCS 5/10-22.6(d). *Consider including a specific statement about this limit in the Code of Conduct.*

SUPPORTS TO STUDENTS WHO ARE EXCLUDED FROM SCHOOL

- 1. Suspended and Expelled Students:** Districts shall provide “appropriate and available support services” to students suspended longer than four days, during the period of their suspension. 105 ILCS 5/10-22.6(b-25).

IMPLEMENTATION TIPS

Determining “appropriate and available support services”

- The Code of Conduct informs families that the District will provide appropriate and available support services, as determined by school authorities, during suspensions of more than 4 days.
- The suspension and expulsion notices list whether support services will be provided.
- The District has a list of services (*e.g. tutoring, counseling*) and criteria to determine which services to provide.
- If no services are provided, the notice documents and explains why no services are available or provided.

- 2. Make-Up Work:** Suspended students shall have the opportunity “to make up work for equivalent academic credit.” 105 ILCS 5/10-22.6(b-30).

IMPLEMENTATION TIPS

Providing an opportunity for make-up work

- The District has a policy for make-up work for academic credit during suspension.
- The Code of Conduct explicitly states a policy about make up work for academic credit.
- The Code of Conduct and suspension notice inform parents and students about how to secure and complete make up work.

- 3. Re-entry after School Exclusion:** The District shall have a policy “to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.” 105 ILCS 5/10-22.6(b-25).

IMPLEMENTATION TIPS

Proactively facilitating student re-engagement

- The Code of Conduct explicitly states the re-engagement policy.
- The District takes proactive steps to facilitate student re-engagement. *Consider the following steps to re-engage a student:*
 - *A re-engagement meeting including students and parents to develop a plan for ensuring the student is successfully reintegrated into the community including ways to prevent future school exclusion, forms of*

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restorative action, and supportive intervention to aid in student’s academic success.

- *Meetings with designated staff to coordinate the transfer of credits or make up work.*
- *Periodic check-ins with the returning student and school counselor.*
- *Ongoing social emotional supports or counseling.*

TRAINING

1. The District shall make a “reasonable effort to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff” regarding specific discipline topics. 105 ILCS 5/10-22.6(c-5).

IMPLEMENTATION TIPS

Making reasonable efforts to provide ongoing professional development

- The District provides training to teachers, administrators, school board members, school resource officers and staff in the following topics:
 - *Adverse consequences of school exclusion*
 - *Adverse consequences of criminal justice system involvement*
 - *Effective classroom management strategies*
 - *Culturally responsive discipline*
 - *Developmentally appropriate disciplinary methods*
- The District tracks participation of teachers, administrators, school board members, school resource officers and staff in trainings.

The Transforming School Discipline Collaborative is a collaborative of organizations that are working to ensure that Illinois’ schools are safe and supportive for all students. This Self-Assessment Checklist was developed by Equip for Equality together with attorneys and other professionals from Chicago Lawyers’ Committee for Civil Rights Under Law, Inc., the Education Law and Policy Institute at Loyola University Chicago School of Law, Illinois Safe Schools Alliance, Loyola University Chicago School of Education, Northwestern University, Prevent School Violence Illinois, Umoja Student Development Corporation and the Ounce of Prevention Fund. It has been strengthened by feedback received from school administrators, school psychologists, attorneys, youth and a variety of other stakeholders and professionals in the field of education.