

# Student Discipline Policy Guidance

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Illinois Education Association

[www.ieanea.org](http://www.ieanea.org)

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This document is intended to provide guidance to the members of the Illinois Education Association and is subject to revision.



## Table of Contents

Introduction	3
Discipline Policy Guidance	3
Alternatives To Suspensions and Expulsions	8
Safety of School Personnel	9
Appendix A: Example Student Discipline and Intervention Matrix	13

# Discipline Policy Guidance

## Introduction

This document describes ideas and example language to consider when developing local student discipline policy. [Illinois Senate Bill 100](#) (Public Act 099-0456) requires local districts to amend their discipline policies to limit disciplinary exclusion (i.e., suspensions and expulsions). The law also emphasizes the importance of culturally responsive and developmentally appropriate discipline to improve student behavior and school safety.

## Discipline Policy Guidance

**Step 1.** First, districts must establish and maintain a Parent-Teacher Advisory Committee to develop policy guidelines on student discipline, including school searches, bullying prevention, and school bus safety procedures in collaboration with the school board and school bus personnel. The local association should identify their members who will serve on this committee. Although the committee is titled the Parent-Teacher Advisory Committee, education support professionals should also be included on this committee.

**Step 2.** Next, the Parent-Teacher Advisory Committee, in collaboration with the school board, should annually review the current discipline policy to establish alignment with the law. This group may also want to review district and school level discipline data, as well as data from the state's [school climate survey](#) to identify areas for improvement before amending the discipline policy. The National Education Association's [Great Public Schools Indicators Framework](#) provides a helpful foundation for reflecting on effective school policies and procedures.

**Step 3.** In addition, the district in collaboration with the Parent-Teacher Advisory Committee and local police, must develop policy procedures to establish and maintain a reciprocal reporting system between the school district and local police regarding criminal offenses committed by students. Districts are also encouraged to create a memorandum of understanding with local police that clearly defines their role in schools.

The following is example discipline policy language that aligns with the requirements of [Illinois Senate Bill 100](#) (Public Act 099-0456) as well as the [Individuals with Disabilities Education Act](#).

## Example Language

### Introduction

The district in collaboration with the Parent-Teacher Advisory Committee has established policies of behavior in order to promote learning and protect the safety of all students and school personnel that align with Public Act 099-0456. All school personnel must abide by the following policy.

The district does not support zero-tolerance policies and recognizes the importance of using preventative and non-exclusionary discipline practices. Before recommending the suspension or expulsion of a student, school administration must refer to the *Student Discipline and Intervention Matrix* (see Appendix A) to determine the most appropriate course of action.

**Training**

Annual training for all school personnel will be provided to ensure that the discipline policy is effectively implemented and equitably applied. Training may include topics related to the consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

**Non-Discrimination**

School personnel shall implement this policy without discrimination based on race, gender, national origin, ethnicity, religion, disability, sexual orientation, or gender identity.

**Identity Disparities**

The district will regularly monitor school discipline data with the aim of eliminating any disparities between student populations (e.g., gender, race, ethnicity, disability, etc.) in school discipline practices. In addition, school personnel are specifically charged with monitoring the impact of their actions on students from groups that are over-represented among those students who are suspended, expelled, or referred to law enforcement.

**Students With Disabilities**

The district shall comply with the provisions of the Individuals with Disabilities Education Act (IDEA) when disciplining students with disabilities. No special education student will be expelled for misconduct that is a manifestation of their disability.

School personnel may remove a student with a disability who violates this policy from their current placement to an appropriate interim alternative educational setting, another setting, or suspension for not more than 10 school days.

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of this policy, the school, the student's legal guardians, and members of the IEP team shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the student's legal guardians to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or if the conduct in question was the direct result of the school's failure to implement the IEP.

If the school, the student's legal guardians, and relevant members of the IEP team determine that the conduct in question was a manifestation of the child's disability, the IEP team shall conduct a functional behavior assessment, and implement a behavioral intervention plan for the student; in situations where a behavioral intervention plan has been developed, review the behavioral intervention plan and modify it as necessary to address the behavior; and return the student to the placement from which the student was removed, unless the parent and school agree to a change of placement as part of the modification of the behavioral intervention plan.

If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to students who do not have a disability may be applied to the student in the same manner and for the same duration in which the procedures would be applied to students without disabilities.

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in a case where a child...

- Carries or possesses a weapon to or at school, on school premises, or to or at a school function.
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function.
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
  - Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 U.S.C. 1365(h)(3)).

A student with a disability who is removed from the child's current placement (irrespective of whether the behavior is determined to be a manifestation of the child's disability) shall continue to receive educational services so as to enable the student to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP; and receive, as appropriate, a functional behavior assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur (IDEA, Section 1415. Procedural Safeguards (k)(1)).

### **School Bus**

When a student violates the discipline policy, the school bus driver or monitor will report the violation to a school administrator. The school administrator will refer to the *Student Discipline and Intervention Matrix* when determining appropriate disciplinary action. Students may not be suspended from the school bus unless the student's continued presence on the school bus poses a threat to the safety of students or school personnel, including the school bus driver, or the safe operation of the school bus. Students who are suspended from the school bus who do not have alternative transportation to school will have the opportunity to make up work for equivalent academic credit. The student's legal guardians must notify school administration if the student does not have alternative transportation to school.

## **Bullying**

The District does not tolerate bullying. School personnel who witness or have knowledge of a student being bullied are required to report these actions to school administration for appropriate disciplinary action. When addressing these allegations, school administrators are required to promptly investigate, determine the appropriate disciplinary action, and protect victims from retaliation. School administrators are required to address the conditions that foster bullying, intimidation, and harassment and provide bullying prevention education ([105 ILCS 5/27-23.7](#)). The district's policy on bullying is available on the district website and is filed with the Illinois State Board of Education.

## **Search and Seizure**

To maintain order and security in the schools, school administrators may conduct reasonable searches of school property and equipment, as well as of students and their personal effects. The Superintendent may request the assistance of the police to conduct searches of lockers, desks, parking lots, and other school property and equipment 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 produces evidence that the student has violated or is violating either the law or the discipline policy, such evidence may be seized by school administrators, and disciplinary action may be taken. When appropriate, such evidence may be transferred to the police.

## **Grounds for Disciplinary Action**

The following acts, while not exhaustive and whether occurring on school grounds, while going to or from school, at a school function, or off campus, if it is likely to cause a threat to school safety or a disruption of school activity, may result in disciplinary action:

- Committing or attempting to commit assault or battery of another person.
- Committing or attempting to commit sexual assault of another person.
- Possessing, selling, or otherwise furnishing a weapon or other dangerous object.
- Unlawfully possessing, using, selling, otherwise furnishing, or being under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind.
- Possessing, selling, or otherwise furnishing any drug paraphernalia.
- Possessing or using tobacco or nicotine products.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to school property or private property.
- Stealing or attempting to steal school property or private property.
- Committing an obscene act or engaging in habitual profanity or vulgarity.
- Disrupting school activities or otherwise willfully defying school personnel engaged in the performance of their duties.
- Engaging in an act of bullying or hate speech directed at another person, including by electronic means.
- Threatening students, school personnel, or school property.
- Engaging in sexual harassment.
- Engaging in or attempting to engage in hazing.

- Repeated truancy.

It is the responsibility of school and district administrators to exercise discretion on a case by case basis in light of individual circumstances. Unless specifically noted otherwise in the *Student Discipline and Intervention Matrix*, most violations allow for a range of disciplinary responses that may occur simultaneously.

### **Contacting the Police**

The District in collaboration with the Parent-Teacher Advisory Committee has established a reciprocal reporting system with the police regarding criminal offenses committed by students, and have created a Memorandum of Understanding that clearly defines the role of police in the District.

### **Due Process Rights**

All school personnel are expected to treat all students in a consistent and equitable manner and to assure due process for all students. Student's legal guardians and students have the right to...

- Be informed of the policies and rules governing student conduct and discipline.
- Be informed of charges of misconduct and the evidence used as a basis for the charges.
- Present their version of the facts and any supporting evidence or testimony prior to disciplinary action being taken unless the student poses an immediate threat to the safety of students and school personnel.
- Appeal expulsion decisions to the School Board within 30 days.

### **Suspension**

Before a suspension recommendation is written, the appropriate school administrator will meet with the student to discuss the violation. The student may present evidence in his or her defense. The school administrator shall recommend a student's suspension for violation of the discipline policy and in reference to the *Student Discipline and Intervention Matrix*.

The suspension decision shall be given to the School Board and mailed to the student's legal guardians in their primary language by registered or certified mail that includes the reason for the suspension, the length of the suspension, and a notice of their right to a review. In addition, any referrals to appropriate and available support services shall be documented for students who are suspended for longer than four school days.

Upon request of the legal guardians, a School Board appointed hearing officer shall review the actions of the school administrator. During the review, the legal guardians may discuss the suspension with the hearing officer. The hearing officer shall write a summary of the evidence and present it to the School Board, and the School Board may act as it deems appropriate.

Suspended students may not be present on any school property or attend any school activity, whether at a public or private facility, during the entire time period of the suspension. Students will be given the opportunity to make up all missed work for equivalent academic credit, and will

participate in restorative conference to reintegrate into the school community upon their return to school.

### **Expulsion**

Before an expulsion recommendation is written, a School Board appointed hearing officer shall meet with the student and his or her legal guardians to discuss the violation. A request shall be mailed to the legal guardians in their primary language by registered or certified mail stating the time, place, and purpose of the meeting. At the meeting, the hearing officer shall state the reasons for the expulsion and the date on which the expulsion is to become effective. The student and his or her legal guardians may present their version of the facts and any supporting evidence or testimony prior to disciplinary action being taken.

The hearing officer shall write a summary of the evidence and present it to the School Board. If the School Board acts to expel a student, the written expulsion decision shall include the reason for the expulsion, interventions attempted or whether it was determined that there were no other appropriate and available interventions, a rationale as to the specific duration of the expulsion, and a rationale as to why expelling the student is in the best interest of the school. In addition, any referrals to appropriate and available support services shall be documented. The written expulsion decision must be mailed to the student's legal guardians in their primary language by registered or certified mail.

Expelled students may not be present on any school property or attend any school activity, whether at a public or private facility, during the entire time period of the expulsion. Upon return from expulsion, an alternative program, or incarceration, students will participate in a restorative conference to reintegrate into the school community, and be provided with the opportunity to make up work for equivalent academic credit.

### **Involuntary Transfer**

A student may be involuntarily transferred to an alternative program following a recommendation for suspension longer than 20 school days, or expulsion unless the transfer is deemed to cause a threat to the safety of students or school personnel in the alternative program.

## **Alternatives to Suspension and Expulsion**

**Step 3.** Next, collaboration with the Parent-Teacher Advisory Committee, in collaboration with the school board, should consider possible alternatives to suspension and expulsion that will be included in local policy. Alternatives might include:

- School-Wide Positive Behavior Interventions and Supports
- Culturally Responsive Classroom Management
- Social and Emotional Learning
- Trauma Sensitive Strategies
- Prosocial Skills Training
- Restorative Practices

- In-School Suspension
- Counseling
- Community Service
- Loss of Privileges

Note, the purpose of in-school suspension is to provide a more effective means of discipline than out-of-school suspension. In-school suspension holds students accountable for attending school and completing their assignments. This allows the school to continue to provide any necessary academic supports to ensure each student's academic success.

In addition, in-school suspension provides the flexibility to implement targeted behavioral and social interventions to address the root cause of the misconduct by building relationships and learning the skills needed to cope with stress and conflict in a pro-social manner. Therefore, students should be adequately supervised at all times by a licensed teacher that is specifically trained to provide the necessary support and interventions to these students.

The Illinois Education Association (IEA) provides no cost training on these topics and many others as a benefit of your membership. Please contact [IEA Teaching and Learning](#) for more information.

**Step 4.** Once the Parent-Teacher Advisory Committee, in collaboration with the school board, has developed the student discipline policy, it is important to provide training to all school personnel concerning the implementation of the policy. In addition, all school personnel must also receive training on how to appropriately implement the chosen alternative disciplinary practices. Local union leadership may also want to consider advocating for additional positions, if the positions do not already exist, for full-time teachers to staff the in-school suspension room.

**Step 5.** Finally, the Parent-Teacher Advisory Committee, in collaboration with the school board, must annually review the student discipline policies, the implementation of those policies, and any other factors related to the safety of their schools, students, and staff. For example, the committee should evaluate the extent to which out-of-school suspensions and expulsions are being used and whether they are being administered disproportionately to subgroups of students, such as racial or ethnic minority students or students with disabilities. Discipline policy should be amended when needed to ensure the discipline policy is effectively implemented and equitably applied.

## **Safety of School Personnel**

It is also important to note that there are laws in place that protect the safety of school personnel. For example, 820 ILCS 219/20 states that "every public employer must provide reasonable protection to the lives, health, and safety of its employees and must furnish to each of its employees employment and a workplace which are free from recognized hazards that cause or are likely to cause death or serious physical harm to its employees."

In addition, 105 ILCS 5/10-21.7 states that, "upon receipt of a written complaint from any school personnel, the superintendent, or other appropriate administrative officer for a private school, shall report all incidents of battery committed against teachers, teacher personnel, administrative personnel

or educational support personnel to the local law enforcement authorities immediately after the occurrence of the attack and to the Department of State Police’s Illinois Uniform Crime Reporting Program no later than 3 days after the occurrence of the attack...” This information is made available to the public through the Illinois State Board of Education [School Incident Reporting System](#).

A person commits battery if he or she knowingly without legal justification by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual (720 ILCS 5/12-3).

Another intervention a local association might advocate for is the inclusion of individual student safety plans. The purpose of a safety plan is to establish and maintain consistent measures for school personnel to follow in cases when a student displays unsafe behavior and is considered at risk for future unsafe behavior (i.e., a threat to self or others).

An individual student safety plan is generally short-term and, unlike a typical behavior plan, it addresses specific behaviors that are dangerous to the student and/or others. Included below are example individual student safety plan protocols:

- [Portland Public Schools](#)
- [Madison Metropolitan School District](#)
- [Ontario](#)

## Additional Resources

Illinois Senate Bill 100 (Public Act 99-0456)

<http://www.ilga.gov/legislation/99/SB/PDF/09900SB0100lv.pdf>

Public Act 100-0810

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0810>

Individuals with Disabilities Education Act

<https://sites.ed.gov/idea/about-idea/>

Analyzing Student-Level Discipline Data: A Guide for Districts

[https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL\\_2017263.pdf](https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2017263.pdf)

Fix School Discipline Educator Toolkit

<http://www.fixschooldiscipline.org/educator-toolkit/>

IDEAs That Work: Supporting and Responding to Behavior

<https://osepideasthatwork.org/evidencebasedclassroomstrategies/>

Illinois Department of Human Resources

<http://www.dhs.state.il.us/page.aspx>

Illinois Education Association – Student Discipline

<https://ieanea.org/resources/trauma-informed-practices-and-aces/>

Illinois Education Association – Teaching and Learning

<https://ieanea.org/resources/iea-teaching-and-learning/>

Illinois Report Card

<https://www.illinoisreportcard.com/>

International Institute for Restorative Practices

<https://www.iirp.edu/what-we-do/what-is-restorative-practices>

ISBE School Incident Reporting System

<http://webapps.isbe.net/sirs/webreports.aspx>

Madison Metropolitan School District – Example Individual Student Safety Plan

[https://studentservices.madison.k12.wi.us/files/stusvc/BEP\\_Appendices.pdf](https://studentservices.madison.k12.wi.us/files/stusvc/BEP_Appendices.pdf)

NEA Great Public Schools Indicator Framework

<http://www.nea.org/home/gpsindicators.html#HTUTF>

Ontario – Example Individual Student Safety Plan

<https://www.ontario.ca/document/workplace-violence-school-boards-guide-law/student-safety-plan>

OSEP Dear Colleague Letter on Supporting Behavior of Students With Disabilities

<https://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-summary-for-stakeholders.pdf>

Portland Public Schools – Example Individual Student Safety Plan

<https://www.pps.net/Page/2106>

Transforming School Discipline Collaborative

<http://www.transformschooldiscipline.org/>

U.S. Department of Education – School Climate and Discipline

<https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

## Appendix A: Example Student Discipline and Intervention Matrix

It is the responsibility of school and district administrators to exercise discretion on a case-by-case basis in light of individual circumstances. Unless specifically noted otherwise in this matrix, most violations allow for a range of disciplinary responses that may occur simultaneously.

### Suspension and Expulsion Guidelines

[Illinois Senate Bill 100](#) refers to acts of “gross disobedience or misconduct.” The District defines gross disobedience or misconduct as an act which willfully disrupts the operation of the school or threatens the health or safety of students or school personnel.

Senate Bill 100 indicates that suspensions of three days or less may be used only if the student’s presence in school would pose a threat to school safety or a disruption to other students’ learning. Suspensions longer than three days, expulsions, and transfers to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student’s behavior meets the above definition of gross disobedience or misconduct.

School and district administrators shall make all reasonable efforts to resolve threats, address disruptions, and minimize the length of student exclusions when possible. In addition, students suspended longer than four school days shall be provided appropriate and available support services during the period of their suspension. The District may also refer students who are expelled to appropriate and available support services.

The Board may expel a student for a definite period of time not to exceed two calendar years, as determined on a case-by-case basis. A student who is determined to have brought a firearm (i.e., gun, rifle, shotgun, or other weapon as defined by [Section 24-1 of the Criminal Code of 2012](#)), weapon (i.e., knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object used or attempted to be used to cause bodily harm, including “look alike” of any firearm as defined above) 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. Upon return from suspension, expulsion, placement in an alternative program, or incarceration, students may engage in restorative practices to reintegrate into the school community, and be provided with the opportunity to make up work for equivalent academic credit.

The District will invite the [Department of Human Services](#) to send a representative to consult with the School Board at a hearing or review meetings whenever there is evidence that mental illness may be the cause for suspension or expulsion. School personnel will not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties. Finally, students 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.

### Example Student Discipline and Intervention Matrix

*Remember, it is the responsibility of school and district administrators to exercise discretion on a case-by-case basis in light of individual circumstances. Unless specifically noted otherwise in this matrix, most violations allow for a range of disciplinary responses that may occur simultaneously.*

<b>Misconduct</b>	<b>May Refer to Support Services</b>	<b>May Use Alternative to Suspension</b>	<b>May Suspend</b>	<b>May Suspend and Recommend for Expulsion</b>
Assault or battery of another person.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	1-2 Years
Sexual assault of another person.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	1-2 Years
Possessing, selling, or otherwise furnishing a firearm.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	1-2 Years
Selling a controlled substance.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	1-2 Years
Possessing explosives.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	1-2 Years
Possessing a weapon.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	1-2 Years
Attempting to commit assault of another person.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	

Selling or otherwise furnishing a weapon or other dangerous object.	Individual Counseling Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	
Unlawfully possessing, using, selling, otherwise furnishing, or being under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind.	Individual Counseling Referral To Drug Education/Counseling Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	
Committing or attempting to commit robbery or extortion.	Individual Counseling Prosocial Skills Training	In-School Suspension Restorative Conference Community Service	0-3 Days	
Causing or attempting to cause damage to school property or private property.	Individual Counseling Prosocial Skills Training	In-School Suspension Restorative Conference Community Service	0-3 Days	
Stealing or attempting to steal school property or private property.	Individual Counseling Prosocial Skills Training	In-School Suspension Restorative Conference Community Service	0-3 Days	
Engaging in an act of bullying or hate speech directed at another person, including by electronic means.	Individual Counseling Diversity and Sensitivity Training Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	
Threatening students, school personnel, or school property.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	
Engaging in sexual harassment.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	
Engaging in or attempting to engage in hazing.	Individual Counseling Individual Student Safety Plan Prosocial Skills Training	In-School Suspension Restorative Conference	0-3 Days	

Possessing, selling, or otherwise furnishing any drug paraphernalia.	Individual Counseling Referral To Drug Education/Counseling Prosocial Skills Training	In-School Suspension Restorative Conference	0-1 Days	
Possessing or using tobacco or nicotine products	Individual Counseling Referral To Drug Education/Counseling Prosocial Skills Training	In-School Suspension Restorative Conference	0-1 Days	
Committing an obscene act or engaging in habitual profanity or vulgarity.	Individual Counseling Prosocial Skills Training	In-School Suspension Restorative Conference	0-1 Days	
Disrupting school activities or otherwise willfully defying school personnel engaged in the performance of their duties.	Individual Counseling Prosocial Skills Training	In-School Suspension Restorative Conference	0-1 Days	
Repeated truancy.	Individual Counseling Prosocial Skills Training	In-School Suspension Restorative Conference		