Student Discipline Reform (P.A. 99-0456)

What is SB 100?

Illinois State Senate Bill 100 (hereafter "SB 100"), signed into law on August 24, 2015 by Gov. Bruce Rauner, represents extensive reform of school discipline policies in public and charter schools throughout the state. Based on the new law, by September 15, 2016, school boards and governing bodies of charter schools will need to develop, review and implement discipline policies in accordance with the new law's requirements. SB 100 eliminates "zero-tolerance" polices and provides that the harshest forms of punishment may only be used for students who pose a threat to the school community or who substantially disrupt, impede or interfere with the learning environment. When passed into law, the bill was designated as Public Act 99-0456, and made changes to several sections of the School Code.

Why is SB 100 Important?

SB 100 dramatically alters the ability of districts to use disciplinary exclusion (suspension and expulsion), especially in response to relatively minor behavior problems. It also requires positive intervention before and in conjunction with any disciplinary exclusion, placing a priority on helping students, rather than just excluding them. *SB 100 mandates that educators, school administrators, staff and school board members receive professional development training on culturally responsive and developmentally appropriate disciplinary action and effective classroom management strategies.* By further requiring that teachers, principals, service providers and all other persons involved with schools receive continuing professional education on the adverse consequences of excluding students from school via suspensions and expulsions and the significance of juvenile justice system involvement, SB100 hopefully will provide school personnel a heightened awareness of the negative impact discipline policies have on students.

Research from the Council of State Governments indicates that students who are unnecessarily excluded from school are more likely to repeat a grade, drop out of school entirely or fall victim to the "school-to-prison" pipeline. Accordingly, a law that encourages schools to adopt and implement non-exclusionary discipline practices (i.e. mediating disputes at school, counseling or therapy, use of "peer juries" or "peer ethics committees", requiring students to clean lunch tables or write apology letters) will undoubtedly help to keep students on grade-level, stay in school and not fall victim to the juvenile justice system.

How will it impact school employees?

1. The elimination of "zero-tolerance" policies ensures students can no longer be automatically expelled or suspended for particular behaviors.
2. Out-of-school suspensions of 3 days or less may only be used as a disciplinary consequence if the student's presence on the school campus, as assessed by school administrators, poses a threat to school safety or a disruption to the learning environment.
3. Out-of-school suspensions lasting longer than 3 days, expulsions, or referrals to alternative schools may only be used as a disciplinary consequence if:
    a. The school has exhausted all other forms of disciplinary intervention; AND

b. The student's presence on the school campus poses a threat to the safety of members of the school community, OR

c. The student's presence would "substantially disrupt, impede or interfere with the operation of the school."

4. If a student is suspended out-of-school for more than 4 days, the school has to provide the student with "appropriate and available" support services for the duration of the student's out-of-school suspension.

5. Schools have to allow students an opportunity to make-up work missed during the student's suspension.

6. If a student is suspended from the school bus and does not have an alternative means to get to school, the student's parent or guardian must notify the school and the school must have a policy in place to ensure the student has access to the school.

7. Students can no longer be required to pay fines or fees as a disciplinary consequence.

8. By September 15, 2016, school boards must adopt discipline policies which at a minimum adopt the above measures. Local associations should work with boards in adopting those policies and where appropriate demand to bargain changes in working conditions. Factors to consider:

- How is "threat to school safety" defined, and how will threats to school employees be considered?
- Who will be responsible for providing support services during out-of-school suspensions?
- What will be the responsibility of staff in ensuring students can make up work missed during suspensions?

9. Local associations must ensure they have a role in selecting and presenting professional development on the adverse consequences of school exclusion, effective classroom management strategies, culturally responsive discipline and developmentally appropriate disciplinary methods that promote positive and health school climates. Locals may wish to take advantage of IEA's efforts in educating members and communities about Adverse Childhood Experiences (ACEs) and their effects on student learning and discipline.

A complete copy of the new law can be found at:
http://ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0456