In an effort to keep our membership informed of our work in Springfield, please forward From The Floor To Your Door newsletters to your district administrators and Board of Education members.

FROM THE FLOOR TO YOUR DOOR
MARCH 11, 2014

SPOTLIGHT ON STUDENT DISCIPLINE LEGISLATION

UPDATED SPRING SESSION BILL GUIDE AVAILABLE HERE

One of the themes of the 2014 Session is the impact of school discipline policies on minority students. Several bills have been filed in an effort to reduce the number of out-of-school suspensions and expulsions, reduce the number of students leaving high school with a criminal record, and increase the use of restorative measures in managing student behavior and discipline issues. The legislative efforts are promoted by the VOYCE Project and the Illinois Safe School Alliance.

**SB 2793** (Hutchinson, D-Olympia Fields) requires the school report card to include new data on the issuance of out-of-school suspensions, expulsions, and removals to alternate settings, data on the use of arrests of criminal citations for students enrolled in school, and data on student retention during and between academic years. The bill further requires the information to be disaggregated by ethnicity, gender, age, grade level, disability status, and limited English proficiency status. The bill requires ISBE to determine the top quartile of districts based on the proportion of instructional days for which students were excluded, proportion of student arrests or criminal citations, and racial disproportionality in these two areas. Districts identified in the top quartile will be required to submit a school discipline improvement plan and report progress on the plan after one year of implementation. The bill provides an exception for student populations that are small enough to identify a student/students involved in an incident.

Currently, districts report this information on an annual basis to the ISBE and data are reported in the aggregate. One of our concerns is that the statistics will be available without narrative describing the student action/rationale for disciple (to the extent that a district can disclose the information), describe district policy and procedures, or highlight efforts to work with students prior to expulsion or suspension. We have made a request to allow districts to provide additional documentation that would accompany the statistics to provide crucial context.

**HB 4191** (Welch, D-Westchester)/**SB 2760** (Lightford, D-Maywood) creates the Student Bill of Rights and specifies a new process for questioning students who are suspected of being involved in an incident or students who may have information pertaining to an incident. Prior to being asked any question in the presence of a police officer or a district-employed Student Resource Officer (SRO), a student must be informed of their right to refuse answering questions or making a statement, that they have the right to
have a parent or attorney present during questioning, and that information given in the presence of a police officer or SRO may be used in school disciplinary action or criminal prosecution. Before police or a SRO may question a student, a parent or guardian must be notified 48 hours in advance and informed that they may be present or have an attorney present during questioning.

Many districts have come to rely on School Resource Officers to reduce disruptive and violent incidents in schools. Our interpretation is that the bill will severely curtail the ability of SROs to play an effective role in our schools and nullify the relationships that they’ve developed with students. We believe the proposed parent notification requirement (48 hours) will threaten student and staff safety in some situations. While we support the ability of parents to be involved in student discipline issues, we believe there are cases in which districts must move ahead with investigations and questioning students in an effort to maintain order and ensure that students and staff are not at risk.

Earlier this week, our high school district superintendents received a brief survey on the use of SROs in an effort to support our advocacy work. If your elementary district employs a SRO and you would like to participate in the survey, please contact Erika at erika@ed-red.org.

**SB 3004** (Lightford, D-Maywood)/**HB 4655** (W. Davis, D-Hazel Crest) limits the ability of school districts to suspend or expel students unless the offense poses a significant threat of imminent serious harm to other pupils or staff (instead of relying on the definition of “gross disobedience” or providing discretion in cases including drugs, theft, etc.). For students removed for more than three days, districts must provide behavioral support in an effort to help students transition back to school. The bill prohibits the ability of police to arrest or cite students for a criminal offense committed on school grounds, in a school vehicle, or at a school activity unless the offense is a felony or the student committed an identical offense within the preceding six months.

The proponents believe districts are over relying on out-of-school suspensions and expulsions to discipline students. Our concern with the bill’s approach is that it creates a double standard of punishment for incidents that occur on/off school grounds, which may prompt an increase in incidents in schools. We also believe that the limitation on the number of days in which a student can be suspended does not consider the length of time necessary for parents and districts to develop a plan to support the student’s educational needs nor does it consider that there are legitimate reasons for which a student may need to be out of the school environment for several days.

The education policy stakeholder group is actively working on these issues with VOYCE, the Illinois Safe School Alliance, and the legislative sponsors. We will keep our membership updated on the status of negotiations and are open to your ideas about creative solutions to ensuring a safe school environment.

**In January, the U.S. Department of Education and Department of Justice released a series of resources aimed at reducing the number of suspensions and expulsions in school.** The School Climate and Discipline Guidance Package includes guiding principles for schools and a compendium of state school discipline laws and regulations. [Read Secretary Duncan’s remarks offered at the launch of the report](https://www.ed.gov/news/press-releases/secretary-duncan-launches-school-climate-discipline-guidance-package).

The guiding principles recommend focusing on social emotional learning at all levels of instruction, providing high-quality training and support for teachers and staff to identify potential problems and seek assistance for students, setting clear expectations for students so they are aware of processes and penalties related to disorderly and unsafe behavior, and regularly reviewing district policy.