Stay in school: Under Illinois law, districts must first consider non-exclusionary punishment

This school year, officials of K-12 public schools in Illinois are revisiting their student-discipline policies in accordance with a new law that aims to reduce the number of students who receive out-of-school suspensions and expulsions.

“The goal is to ensure that this only happens when absolutely necessary,” says Illinois Sen. Kimberly Lightford, the sponsor of SB 100.

Students who receive exclusionary punishments are at a significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system, according to a 2014 report from The Council of State Governments Justice Center.

For instances in which a student commits minor misconduct, the new Illinois law requires school leaders to use non-exclusionary methods of discipline — such as in-school suspension, detention or loss of privileges — and to exhaust all other methods of intervention before removing the student.

Local school boards also are now prohibited from using monetary fines and instituting “zero tolerance” policies,
School officials can still expel or give an out-of-school suspension to a student who commits a serious offense or poses a threat to school safety, but they must provide a written explanation as to why that disciplinary action was needed, as well as the rationale behind the duration of the suspension or expulsion.

Under the new law, too, students who are suspended or expelled must get the opportunity and resources they need to make up missed class work. Exclusionary discipline policies, such as expulsions or out-of-school suspensions, tend to impact a disproportionate number of students of color. According to the U.S. Department of Education’s Civil Rights Data Collection, black students are suspended and expelled at a rate three times greater than white students.

In Illinois, black students make up 18 percent of the state’s total student population and received 46 percent of the out-of-school suspensions during the 2011-2012 school year.

Lightford first proposed school-discipline changes in 2014, but school management organizations and law enforcement associations were concerned that the original legislation would hamper their ability to intervene in situations where a student’s behavior is a threat to other students or teachers.
Lightford then led meetings over the course of the next year to negotiate an amended bill with representatives from school management, law enforcement, teachers and students. The negotiated legislation, she says, removed some restrictions on how students could be disciplined and provided local educators with enough flexibility to protect the safety of their schools.

Since 2014, Illinois has required its school districts to submit data to the State Board of Education regarding suspensions and expulsions. This information will be used to track the impact of the state’s new law.

By:
Wednesday, October 19, 2016 at 05:26 PM

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