

FRANCZEKRADELET
ATTORNEYS & COUNSELORS

**School Discipline and
Senate Bill 100 / Public Act 99-0456:
Impact on Student Discipline Policies**

Michael J. Hernandez Partner, Labor & Employment and Education Law Practice Groups Franczek Radelet P.C.	Jennifer A. Smith Partner, Labor & Employment and Education Law Practice Groups Franczek Radelet P.C.
--	---

Copyright © 2016, Franczek Radelet P.C. All Rights Reserved. Disclaimer: Attorney Advertising. This presentation is a publication of Franczek Radelet P.C. The presentation is intended for general informational purposes only and should not be construed as legal advice.

Public Act 99-0456

www.franczek.com

- Senate Bill 100 (“SB 100”) has been enacted as Public Act 99-456, which becomes effective September 15, 2016.
- SB 100 restricts the authority of school districts to suspend and expel students and imposes new requirements in those cases where school removal will still be allowed.

FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Suspensions

www.franczek.com


- 1-3 day suspensions require:
 - A continuing threat determination; and
 - Reasonable steps to minimize suspension.
- 4-day suspensions require:
 - A continuing threat determination;
 - Reasonable steps to minimize suspension; and
 - That interventions have been exhausted.
- For 5-10 day suspensions mandate:
 - All of the requirements for 4-day suspensions; and
 - The provision of appropriate and available support services.

FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Suspensions

www.franczek.com

- All suspensions require:
 - Make-up work;
 - A return-to-school plan; and
 - Appeal Rights - If parents request the suspension be reviewed and the board upholds the suspension, the written decision must include the following:




FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Expulsions

www.franczek.com

- All of the requirements for 5-10 day suspensions must be met:
 - A continuing threat determination;
 - Reasonable steps to minimize discipline;
 - Interventions exhausted; and
 - The provision of support services.



FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Expulsions

www.franczek.com

- Appeal Rights - The school board must give specific reasons why removing the student from the school is in the best interests of the school and provide a rationale for the duration of the expulsion.
- Similar requirements apply for alternative school placement.

FRANCZEKRADELET
ATTORNEYS & COUNSELORS

What discipline rules remain the same?

- School administrators have the authority to suspend students for up to 10 days without board approval.
- Parents must be provided notice when a student is suspended: a statement of the reasons for the suspension and the right to a review of the decision.

NOTICE

FRANCZEKRADELET
ATTORNEYS & COUNSELORS

What discipline rules remain the same?

- Students can be expelled for acts of gross disobedience or misconduct for up to 2 calendar years.
- Parents must be provided notice when an expulsion is proposed and a hearing.
- Suspensions and expulsions may include exclusion from all school activities.

RULES

FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Bus Suspensions and In-School Suspensions

- Bus Suspensions
 - The new requirements do apply to bus suspensions.
- In-School Suspension
 - SB 100 is aimed at reducing the removal of students from school. In-school suspensions are one method to do this.




FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Students with Disabilities

www.franczek.com

- The new legislation applies equally to general education and special education students.
- The additional protections afforded to students with disabilities (under the IDEA and Section 504) continue to apply.

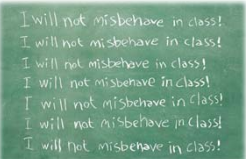


FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Preparing for SB 100 Implementation

www.franczek.com

- Revise Student Discipline Policy;
- Remove Zero-Tolerance Offenses; and
- Delegate Board Authority.



FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Professional Development Requirements

www.franczek.com

- Training Recipients
 - The following people should receive professional development:
 - Teachers;
 - Administrators;
 - School Board Members;
 - Resource Officers; and
 - Staff.

FRANCZEKRADELET
ATTORNEYS & COUNSELORS


Professional Development Requirements www.franczek.com

- Training Topics
 - The following topics should be covered:
 - The adverse consequences of school exclusion and justice-system involvement;
 - Effective classroom management strategies;
 - Culturally responsive discipline; and
 - Developmentally appropriate disciplinary methods that promote positive and healthy school climates.

FRANCZEKRADELET
ATTORNEYS & COUNSELORS

Professional Development Requirements www.franczek.com

- Frequency of Training:
 - SB 100 states that districts shall make reasonable efforts to provide “ongoing” professional development, but does not define “ongoing” or specify whether each group must receive training in each of the topics.



FRANCZEKRADELET
ATTORNEYS & COUNSELORS
