

CLIENT ALERT

September 2024



Students Given Four Day Out-of-School Suspensions Now Must Receive Support Services

by Kelli Melin

Effective August 9, 2024, out-of-school suspension notice templates have been simplified. Under Public Act 103-0896, the template for a four-day out-of-school suspension no longer exists. Rather, school districts must now use the out-of-school suspension template previously used for a suspension of five or more days for out-of-school suspensions of four or more days.

The School Code continues to categorize out-of-school suspensions as short-term suspensions (1-3 days) and long-term suspensions (4–10 days). Yet, under Senate Bill 100, schools were previously required to provide “appropriate and available support services” only beginning on Day 5 of an out-of-school suspension. Because this requirement didn’t previously apply to 4-day out-of-school suspensions, school districts had to use two separate long term suspension templates: one for a 4 day out-of-school suspension, and a separate template for a suspension of 5 or more days. As explained below, the 4 day out-of-school suspension form no longer exists.

Short Term Suspension Notice

Under Section 10-22.6(b-15), out-of-school suspensions of 1 - 3 days may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. This determination is made on a case-by-case basis by the school board or its designee.

Long Term Suspension Notice

Under Section 10-22.6(b-20), out-of-school suspensions of 4 or more days, as well as expulsions or disciplinary removals to alternative schools, may be used only if the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. This determination is made on a case-by-case basis by the school board or its designee.

Additionally, long-term suspension notices must inform parents of the other appropriate and available behavioral and disciplinary interventions that have been exhausted. The notice to parents must list the behavioral and disciplinary interventions that have been exhausted prior to the suspension. Alternatively, parents may be notified that no appropriate and available behavioral and disciplinary interventions existed prior to a specific school exclusion.

Finally, with the recent amendment to Section 10-22.6(b-25), four-day suspensions no longer have their own category or notice requirements. Rather, all students who are suspended out-of-school for four or more school days shall be provided appropriate and available support services during the period of their suspension. School authorities determine what support services are appropriate and available during the long-term exclusion period.

Other Changes

Public Act 103-0896 also amended Section 10-22.6 of the School Code by eliminating the provision that allowed schools to 'immediately' transfer a student who is suspended in excess of 20 school days to an Article 13A or Article 13B alternative program.

The law also directed the Illinois State Board of Education to publish guidance for parent-teacher advisory committees on the development of reciprocal reporting systems, school bus safety procedures, and evidence-based intervention procedures. This guidance is expected on or before July 1, 2025.

If you have any questions about student discipline or need training on determining which suspension letter to use and how to complete it accurately, please contact one of our attorneys.

Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.'s **Client Alert** is issued periodically to keep its clients and other interested parties informed of legal developments that may affect or otherwise be of interest to its readers. Due to the general nature of its contents, the comments herein do not constitute legal advice and should not be regarded as a substitute for detailed advice regarding a specific set of facts. Questions regarding any items should be directed to our main office at:

OTTOSEN DINOLFO HASENBALG & CASTALDO, LTD.
1804 North Naper Boulevard, Suite 350, Naperville, Illinois 60563
(630) 682-0085 ottosenlaw.com

Copyright 2024 by
OTTOSEN DINOLFO HASENBALG & CASTALDO, LTD.

All rights reserved. Pursuant to Rules 7.2-7.4 of the Illinois Rules of Professional Conduct, this publication may constitute advertising material.