

# **SB100 (or IL Public Act 99-456)**

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CHAT

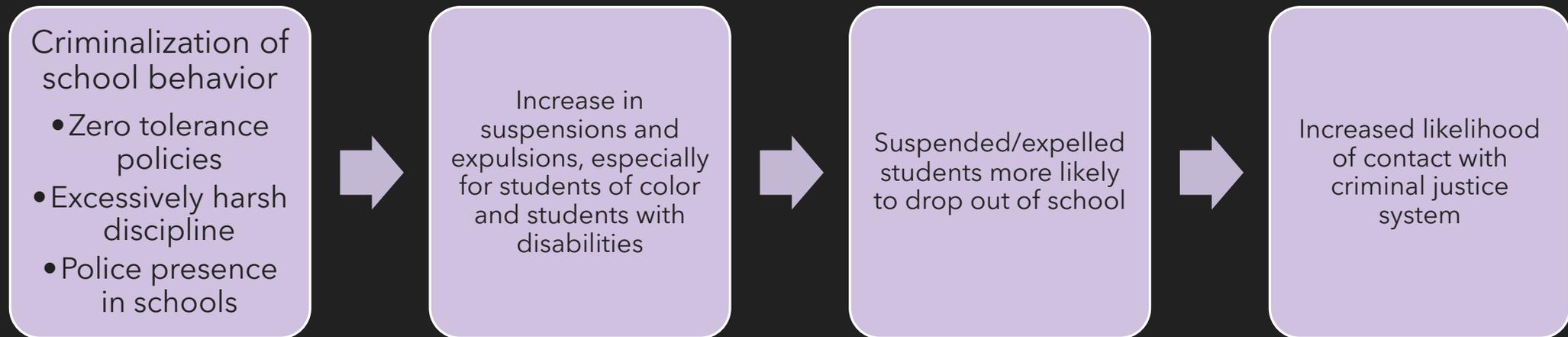
# What is SB100?

- Now law, passed in 2016 – but still referred to by its Senate Bill name because it's easier to remember!
- Created guidelines to limit school suspensions and expulsions while encouraging proactive programs and services for students with behavioral challenges.
- Its goals were to:
  - Limit lost **instructional** time
  - Reduce the **racial disproportionality** of school exclusions
  - Encourage educators to engage with the **social-emotional needs** of their students
- VOYCE (Voices of Youth in Chicago Education), an organization key to SB100's passage, has described the law as "perhaps the most aggressive and comprehensive effort ever made by a state to address the 'school-to-prison pipeline.'"

# Reminder...



# The School-to-Confinement Pipeline



# The School-to-Confinement Pipeline

Students from two groups—racial minorities and children with disabilities—are disproportionately represented in the school-to-prison pipeline. **African-American students, for instance, are 3.5 times more likely than their white classmates to be suspended or expelled**, according to a nationwide study by the U.S. Department of Education Office for Civil Rights.

**Black children constitute 18 percent of students, but they account for 46 percent of those suspended more than once.**

For students with disabilities, the numbers are equally troubling. **One report found that while 8.6 percent of public school children have been identified as having disabilities that affect their ability to learn, these students make up 32 percent of youth in juvenile detention centers.**

The racial disparities are even starker for students with disabilities. **About 1 in 4 black children with disabilities were suspended at least once, versus 1 in 11 white students**, according to an analysis of the government report by Daniel J. Losen, director of the Center for Civil Rights Remedies of the Civil Rights Project at UCLA.

# Why SB100 was necessary in IL, specifically

“In Illinois, African American students were far more likely to be suspended or expelled than white students, and at rates much higher than other states. According to the UCLA Civil Rights Project, African-American public school students in the state had a one in four chance of being suspended during the 2009-2010 school year, which was the highest rate among 47 states examined by the Project. Data from the Illinois State Board of Education showed that during the 2014-2015 school year, 148,086 students received out of school suspensions, but that the frequency of these suspensions varied greatly by race. One in every five black students were suspended while just one in every twenty-five white students were suspended.”

# And, of course... Why this topic is relevant to SLPs and CHAT

The rate of severe communication disorders within adult prisons has been estimated to be at least *four to five times* that of the general population. Within juvenile prisons, the rate is even higher.

# Key Elements of SB100

1. Elimination of zero-tolerance policies
2. Suggestion to create memorandum of understanding with local law enforcement to clearly define law enforcement's role in schools
3. Tighter restrictions on the use of exclusionary discipline practices (out-of-school suspensions, expulsions).
4. Focus on meeting student needs and addressing root causes of disciplinary issues.
5. Promotion of proven disciplinary alternatives and improved professional development for school officials and staff.

# Key Elements, cont.

6. Protection of students from additional academic consequences.
7. Requires creation of a policy for re-engaging students returning to school from suspensions and expulsions.
8. Ensuring greater transparency and accountability to parents/guardians.
9. Prohibiting "school pushout."
10. Elimination of disciplinary fines and fees.
11. Holding charter schools to the same standards by eliminating the exemption of charter schools from school discipline regulations.

# Key Language

"Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions."

# Exclusionary Practices: Suspensions

- "The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons."
- School responsibilities:
  - Must be reported immediately to parents/guardians
  - Provide written summary and rationale for duration to school board
- Other things to note:
  - If suspended for more than 20 days, can be immediately transferred to "alternative program"

# Exclusionary Practices: Suspensions

Out-of-school suspensions of 3 days or fewer:

- May be used if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities
- Whether the student is "a threat to school safety or a disruption to other students' learning opportunities" are determined on a case-by-case basis by the school
- "School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the great extent practicable"

# Exclusionary Practices: Suspensions

Out-of-school suspensions of 3 days or more, as well as expulsions and disciplinary removals to alternative schools:

- May only be used if “other appropriate and available behavioral and disciplinary interventions have been exhausted and 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”
- Whether a student poses a “threat to the...” or “substantially disrupts...” and whether “appropriate and available...” is, again, to be determined on a case-by-case basis by the school
- “School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the great extent practicable”
- It needs to be documented whether other interventions were attempted or whether it was determined there were no other appropriate and available interventions

# Exclusionary Practices: Expulsions

- Expulsion can take place for students guilty of “gross disobedience or misconduct”
- School responsibilities:
  - Parents/guardians must be requested to appear at the expulsion meeting
  - The written expulsion decision must detail specific reasons why removing the student from the learning environment is in the best interest of the school and the rationale for the specific duration of the expulsion
- Other things to note:
  - If expelled, can be immediately transferred to “alternative program”

# Exclusionary Practices: Expulsion

- Students can be expelled for up to 2 calendar years
- A student who bringing a firearm, knife, other objects used or attempted to be used for bodily harm are to be expelled for a period of no less than 1 year
- A student who has been determined to have made an explicit threat on a website against a school employee, student, or school-related personnel may be suspended up to 10 days or expelled up to 2 years
- School officials are not to advise or encourage students to drop out voluntarily due to behavioral or academic difficulties

# Other Information

- Students suspended out-of-school for longer than 4 days are to be provided “appropriate and available support services during the period of their suspension”
- School districts are to create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting
- School districts are to create a policy by which suspended students have the opportunity to make up work for equivalent academic credit
- School districts are to “make reasonable efforts to provide ongoing professional development...on 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”
- Students may not be issued a monetary fine or fee as a disciplinary consequence
- This applies to all schools included elementary and secondary schools, charter schools, special charter districts
  - Note: despite my prior understanding, no age restrictions at all! In fact, I couldn't find anything restricting younger students from being suspended or expelled.

# Don't Forget!

- IDEA provides greater protections for students with IEPs – they may not be suspended more than 10 school days or expelled without a Manifestation Determination Review (MDR)
  - MDR is a meeting to discuss whether a student's behavior is caused by their disability
  - If a student's behavior is not due to their disability, a school can use the same discipline that it does for students without disabilities
  - If the behavior is a manifestation of the student's disability or the student's misconduct was a direct result of the school's failure to implement the IEP, the school must conduct a Functional Behavioral Analysis (FBA) and develop a Behavior Intervention Program (BIP)
- The rights of students with disabilities apply if it is suspected that a student has a disability or the evaluation process has been initiated (e.g. if a referral has been made by a parent or teacher)

## Possible manifestations

- Difficulty expressing thoughts/ideas in the way they want/in a way that can be understood – leading to frustration
- Difficulty relating stories/narratives about events in a logical, cohesive way (may leave out important details, fail to explain how certain things are related)
- Use of nonspecific vocabulary, word-finding difficulty – overuse of basic describing words, limited range of adjectives to describe emotions, mistakes of nuance (e.g. jealous vs. annoyed)
- Difficulty producing sentences with developmentally appropriate length/grammatical forms/complexity
- Difficulty answering more abstract questions like “why”

# Findings from Survey on Implementation

- Over 84% of teachers indicated that the zero-tolerance policies were eliminated and suspensions were limited, as required by SB100
- Districts provided limited and unsatisfactory training to help schools and teachers implement SB100
- Districts abolished zero-tolerance policies and limited suspensions but often did not replace them with anything else
- Teachers believe that student behavior and school culture and climate have deteriorated since the implementation of SB100 because, quite frequently, nothing replaced the disciplinary consequences that were removed

# Recommendations from Survey on Implementation

- Provide thorough, mandatory professional development on SB100 and corresponding discipline practices
- Implement disciplinary protocols that are informed by restorative justice and trauma-informed practices
- Ensure systemic and ongoing support, accountability, and consistency for teachers as they implement new discipline protocols
- Allocate adequate funding and hold districts accountable for SB100 implementation

# Restorative Justice

- What do they look like?
  - Community conferencing
  - Peer juries
  - Peer mediations
  - Peace circles
- This is being implemented outside of schools, too!
  - North Lawndale Restorative Justice Community Court - official via Cook County Circuit Court since 2017!
  - Englewood court soon to open



# What's going on in CHAT's schools?

- Many of us have been working in these schools since after SB100 became law in September 2016!
- Have you noticed your schools implementing these guidelines for suspensions and expulsions? Other things like zero tolerance policies?
- Any problems you've seen?
- Are restorative justice practices being implemented in your schools? Formally or informally? What do they look like?

# Seclusion and Restraints

- SB100 does not directly address the use of seclusion (“timeout” or “quiet” rooms) and restraint
- This topic is getting a lot of attention in Illinois right now following a ProPublica/Tribune report about improper use of seclusion in some districts
- Led to an emergency ban on seclusion and prone restraints (with later exception for private schools) and new ISBE proposed rules
  - Proposed rules require that timeout rooms be unlocked and a trained adult in the room; supervisor must assess every 15 minutes whether the student has stopped showing dangerous behavior
  - Prone restraints banned except in emergencies when other restraints have failed; an adult not involved in the restraint must observe and the restraint must not impair the student’s ability to breathe or communicate normally