



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

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ATTORNEY GENERAL

July 31, 2024

SENT VIA EMAIL

Dr. Lisa Small
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**Re: Findings in District 211 Ticketing Investigation by the Office of the Illinois
Attorney General**

Dear Dr. Small:

The Illinois Attorney General’s Office (“OAG”) has concluded its investigation into Township High School District 211 (“District 211” or “the District”) policies and practices governing student discipline and the issuance of tickets to students for school-related behavior. The OAG has authority to investigate violations of state laws protecting civil rights and prohibiting discrimination, and to take action to enforce these laws where appropriate.¹ Specifically, OAG investigated whether District 211 directed police to issue tickets to students as a form of discipline, and whether such ticketing practices imposed an unjustified disparate impact based on race and disability. OAG initiated this investigation on May 18, 2022; this letter summarizes our findings. Thank you for your cooperation in our investigation to date.

¹ Such authority includes, but is not limited to, the Attorney General Act, 15 ILCS 205/4 and 205/10, the Illinois Human Rights Act, 775 ILCS 5/1 *et seq.*, the Civil and Equal Rights Enforcement Act, 15 ILCS 210/1, and the Attorney General’s common law authority to enforce state law. *People ex rel. Barrett v. Finnegan*, 378 Ill. 387, 393, 38 N.E.2d 715, 717 (1941).

As detailed below, OAG finds reasonable cause to believe that the District engaged in a pattern and practice of directing Palatine police officers to issue tickets to students in violation of state law, and that this practice imposed an unjustified disparate impact on Black and Hispanic students. OAG is encouraged, however, that as of the 2022-23 school year, the number of tickets issued to students in Palatine has fallen dramatically and the District appears to have largely ended its practice of directing police to ticket students. This letter outlines the legal authority and background of OAG’s investigation, details our methodology and findings, and identifies certain steps necessary to ensure compliance with civil rights laws moving forward.

I. Relevant Statutes and Legal Authority

Exclusionary school discipline practices cause an array of harm to vulnerable students, including decreased academic achievement and engagement, increased behavior problems, an increased likelihood of students dropping out of school, and increased involvement with the juvenile legal system.² The connection between punitive and exclusionary school discipline practices and increased rates of incarceration is often referred to as the “school-to-prison pipeline.” In December 2021, the OAG, together with the Illinois State Board of Education, released non-regulatory statewide guidance to assist public K-12 school districts and schools with applying student policies in a non-discriminatory manner.³ The guidance discusses the civil rights implications of punitive and exclusionary discipline policies that are disproportionately likely to impact students of color, particularly Black students; students with disabilities; and other marginalized or vulnerable students.

As discussed in the 2021 guidance, two state civil rights laws enforced by the OAG prohibit discrimination by public schools. Under the Illinois Human Rights Act (“IHRA”), it is a civil rights violation for any public school to deny full and equal enjoyment of school facilities, privileges, or services to any student because of unlawful discrimination.⁴ Moreover, the Illinois Civil Rights Act of 2003 (“ICRA”) prohibits any unit of local government from adopting policies whose criteria or methods of administration impose a disparate impact on individuals because of their race, color, national origin, or gender.⁵ ICRA applies to public school district policies and practices administered using criteria that have an adverse discriminatory impact on students based on their race.⁶

² Melanie Leung-Gagne et al., Learning Policy Institute, “Pushed out: Trends and disparities in out-of-school suspension”, (September 30, 2022), at <https://learningpolicyinstitute.org/product/crdc-school-suspension-report>; see also USDOJ and U.S. Dept. of Ed., Joint Dear Colleague Letter, Jan. 8, 2014, at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.

³ Illinois Attorney General and Illinois State Board of Education Joint Guidance to School Districts: Legal Standards and Enforcement of Civil Rights Laws Related to School Discipline in Illinois (December 2021), available at <https://illinoisattorneygeneral.gov/Page-Attachments/2021%20OAG-ISBE%20School%20Discipline%20Guidance.pdf> (hereinafter, “OAG-ISBE 2021 School Discipline Guidance”).

⁴ 775 ILCS 5/5–102(C).

⁵ 740 ILCS 23/5.

⁶ See, e.g., *Swan v. Bd. of Educ. Of City of Chicago*, 2013 WL 4401439 (N.D Ill. 2013) (analyzing ICRA claim

As outlined in the 2021 guidance,⁷ school discipline policies and practices can violate Illinois civil rights laws when they impose an unjustified disparate impact based on race or other protected characteristics. For example, a discipline policy may result in disproportionate rates of discipline against students of a particular race, compared to students of other races. If an investigation shows such an impact, the school would need to demonstrate both (1) that the policy in question is necessary to meet an important goal that is not a pretext for an underlying discriminatory purpose, and (2) that no other comparably effective alternative policies would meet that goal with less of an adverse impact on the disproportionately affected group.⁸

In addition to state civil rights laws, several federal civil rights laws protect students with disabilities, including the Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (“ADA”). The IDEA guarantees a free appropriate public education for eligible students with disabilities and requires special education and related services for those students. Eligible students receive Individualized Education Plans (“IEPs”) specifying the educational services provided for the student and setting goals for the school year.⁹ Some students with IEPs also receive Behavioral Intervention Plans (“BIPs”) which are written plans to improve the student’s behavior at school.¹⁰ The IDEA limits certain disciplinary actions for students with IEPs. For example, before changing a student’s educational placement for 10 or more days, the school district must determine if the conduct in question was a manifestation of the student’s disability, and, if so, take appropriate steps to implement or modify the student’s BIP.¹¹

In addition to the IDEA, Section 504 of the Rehabilitation Act and Title II of the ADA also require that public school districts provide reasonable accommodations for students with disabilities.¹² Some students with disabilities receive what are called “Section 504 plans,” which outline accommodations, modifications, and supports to allow these students to access the school’s educational programs and services.

A student’s disability may cause the behavior resulting in disciplinary action. In these cases, school districts should respond with supports and interventions to accommodate the student’s disability instead of discipline or law enforcement referrals.¹³ Even if a student has not

alleging district’s school closure policy created a racially disparate impact on students based on race); *McFadden v. Bd. of Educ. for Illinois Sch. Dist. U-46*, 984 F. Supp. 2d 882, 890 (N.D. Ill. 2013) (examining ICRA claim that district’s student assignment plan had a racially disparate impact on minority students by forcing them to attend overcrowded schools that required the use of mobile classrooms); *Anthony v. O’Fallon Twp. High Sch. Dist. 203 Bd. of Educ.*, 2024 WL 245251, at *5 (S.D. Ill. 2024) (holding that plaintiff met burden to bring a prima facie claim of racial discrimination under ICRA challenging district’s suspension and expulsion decisions). *See also Greer v. Bd. of Educ. of the City of Chicago*, No. 18-7647 (Ill. Ct. Cl. Dec. 3, 2018).

⁷ OAG-ISBE 2021 School Discipline at 8.

⁸ *See* U.S. Dep’t of Justice & U.S. Dep’t of Educ., Dear Colleague Letter: Nondiscriminatory Administration of School Discipline (Jan. 8, 2014) available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>

⁹ 20 U.S.C. § 1414(d).

¹⁰ 20 U.S.C. § 1415(k).

¹¹ 20 U.S.C. § 1415(k).

¹² 29 U.S.C. § 794, 42 U.S.C. § 12132, 28 C.F.R. § 35.130(b)(7).

¹³ *See, e.g.*, 20 U.S.C. § 1415(k) (requiring school districts to determine whether conduct was a manifestation of a student’s disability before changing educational placement, and, if so, to implement proper supports).

yet been identified as a student with a disability, repeated discipline may indicate that the student is eligible for supportive services. School districts have an obligation to search for, evaluate, and identify children who have disabilities, known as the “child find” requirement.¹⁴ When a student receives multiple suspensions based on behavioral issues, a school district should consider evaluating the student for disability eligibility as part of its child find obligation.

Other Illinois statutes also set limits on student discipline and ticketing practices in public K-12 schools. For example, the Illinois School Code requires public schools to follow certain procedures prior to suspending or expelling a student and bans zero-tolerance policies except in limited circumstances.¹⁵ The School Code also prohibits schools from taking an entirely punitive approach towards truancy (when a student is absent without valid cause for a certain number of school days). Schools must provide truant students with appropriate and available supportive services and other school resources before taking any punitive or disciplinary action against parents for truancy, and must document what services were offered to the child.¹⁶ The Illinois Municipal Code further specifies that municipal truancy ordinances may not punish students for missing a single day or less of school, and that municipalities may impose a maximum fine of no more than \$100 for truancy tickets.¹⁷ And importantly, the School Code prohibits issuing monetary fines or fees to students as a disciplinary consequence.¹⁸

The OAG has the authority to investigate possible violations of civil rights and discrimination laws in Illinois and to undertake necessary enforcement measures.¹⁹ This investigation was undertaken in accordance with this statutory authority, and the OAG’s findings are as follows.

II. History of Investigation

OAG opened this investigation following an investigative report published in April 2022 by ProPublica and the *Chicago Tribune*, identifying concerning trends and potentially discriminatory student ticketing practices across Illinois school districts.²⁰ The ProPublica/Tribune report alleged that police departments across Illinois issued thousands of municipal tickets to students for in-school conduct, imposing municipal fines for minor in-school and school-based disciplinary infractions.²¹ The investigation identified at least 141 school districts in Illinois where such ticketing took place, and reported that in many districts, Black and/or Latino students were

¹⁴ 20 U.S.C. § 1412(a)(3)(A); 34 C.F.R. § 300.111.

¹⁵ 105 ILCS 5/10-22.6(B-5).

¹⁶ 105 ILCS 5/26-12.

¹⁷ 65 ILCS 5/11-5-9.

¹⁸ 105 ILCS 5/10-22.6(i).

¹⁹ See, e.g., the Civil and Equal Rights Enforcement Act, 15 ILCS 210/1.

²⁰ Jodi S. Cohen, ProPublica, and Jennifer Smith Richards, *Chicago Tribune*, “The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior” (April 28, 2022), at <https://www.propublica.org/article/illinois-school-police-tickets-fines> (hereinafter *The Price Kids Pay*).

²¹ *Id.*

ticketed at disproportionate rates compared to white students.²²

According to the data compiled by the ProPublica/Tribune investigation, students in District 211 received 541 tickets from law enforcement over a 3-year period, the third-highest number of tickets among the districts examined.²³ An initial review of the investigation's racial demographic data for District 211 further suggested that Black and Latino students appeared to be overrepresented in the share of tickets issued compared to enrollment in the District.

OAG's investigation sought to determine whether District 211's ticketing and disciplinary practices discriminated against or disadvantaged students within protected classes. In particular, the OAG investigated whether District 211's disciplinary and ticketing practices targeted or disparately impacted Black and Hispanic²⁴ students and/or students with disabilities.

Background and Scope of Investigation

District 211 is one of the largest high school districts in Illinois and serves more than 12,000 students. The District's five general education high schools and two alternative high schools serve the communities of Hoffman Estates, Inverness, Palatine, Schaumburg, parts of Arlington Heights, Elk Grove Village, Hanover Park, Rolling Meadows, Roselle, Streamwood, and South Barrington. The seven high schools are located in Hoffman Estates, Palatine, and Schaumburg, and each municipality's police department provides services to the schools therein.

Police officers are assigned to District schools in accordance with intergovernmental agreements between the District and the villages of Palatine, Schaumburg, and Hoffman Estates. The District refers to these officers as "police consultants" or "school resource officers" ("SROs").²⁵ An SRO is assigned to a specific school and handles police matters that occur at the school, including serving as the point of contact for students who experience theft, vandalism, or related problems at the school.

As discussed in more detail below in the findings section, most tickets issued in District 211 were issued at Palatine High School ("PHS"). There are two general education high schools in District 211 – PHS and William Fremd High School ("Fremd") – that are located in the Village of Palatine and thus policed by the Palatine Police Department.²⁶ Our investigation largely focused

²² *Id.*; Jodi S. Cohen, ProPublica, and Jennifer Smith Richards, *Chicago Tribune*, "Black Students in Illinois Are Far More Likely to Be Ticketed by Police for School Behavior Than White Students" (May 6, 2022), at <https://www.propublica.org/article/black-students-illinois-ticketed-by-police-for-school-behavior> (hereinafter *Black Students Far More Likely to Be Ticketed*).

²³ Dataset at <https://projects.propublica.org/illinois-school-police-tickets-fines/>; District 211 data at <https://projects.propublica.org/illinois-school-police-tickets-fines/districts/50162110170000/>.

²⁴ Data categories available through this investigation did not permit the OAG to identify any intersections between Black and Hispanic, i.e. whether any of the impacted students were both Black and Hispanic.

²⁵ The District's website and Board policies refer to such officers as "police consultants," but the District's Intergovernmental Agreements refer to them as "school resource officers," as do the officers themselves in reports reviewed by the OAG.

²⁶ North Campus appears to include both a special education school and an alternative school; public data on demographics and enrollment seem to be inconsistent (sometimes reflecting one school, sometimes both) and difficult to easily obtain. North Campus, and the schools located within it, do not appear to be listed in the Illinois Report Card database that provides demographic and enrollment data by school.

on these two high schools when our methods and available data permitted us to disaggregate across schools.²⁷ By doing so, we were able to identify patterns within the district rather than differences across local police departments’ SRO programs.

PHS serves the north side of District 211, while Fremd serves the central section of the District.²⁸ Although the two high schools are both located in the Village of Palatine and have roughly the same overall enrollment, they have different racial demographics. As seen in Table 1, as of the 2022-23 school year, PHS has a much higher proportion of Hispanic students than Fremd (51% of enrollment compared with 12%), a smaller share of white students (34% for PHS compared to 47% for Fremd), and a smaller share of Asian students (7% for PHS compared to 32% for Fremd). PHS also has a somewhat larger share of students identified as having disabilities: 12% of students had an Individualized Education Plan (“IEP”) at PHS, compared to 7% of students at Fremd, for the 2022-23 school year.²⁹

Table 1: 2023 student enrollment by race at PHS and Fremd³⁰

	PHS Enrollment	Percentage of total enrollment, PHS	Fremd Enrollment	Percentage of total enrollment, Fremd
White	880	34%	1,235	47%
Black	145	6%	119	5%
Hispanic	1,323	51%	319	12%
Asian	181	7%	848	32%
Total	2,608		2,632	

Methodology

The OAG investigation began in May 2022. We issued multiple written requests for information to the Village of Palatine and District 211, monitored tickets issued and observed in-person ticket hearings, shadowed and interviewed the SROs assigned to PHS and Fremd, and

²⁷ The District did not provide some data, like data related to special education, in a format permitting disaggregation by school. As such, some conclusions are specific to Palatine High School and Fremd, and other conclusions are District-wide.

²⁸ See District 211 Boundary Map, available at <https://adc.d211.org/cms/lib/IL49000007/Centricity/Domain/39/D211%20Boundary%20Map.pdf>.

²⁹ IL Report Card data available for PHS at <https://www.illinoisreportcard.com/school.aspx?source=studentcharacteristics&source2=iep&Schoolid=050162110170003> and for Fremd at <https://www.illinoisreportcard.com/school.aspx?source=studentcharacteristics&source2=iep&Schoolid=050162110170002>.

³⁰ IL Report Card data available for PHS at <https://www.illinoisreportcard.com/school.aspx?source=studentcharacteristics&source2=studentdemographics&Schoolid=050162110170003> and for Fremd at <https://www.illinoisreportcard.com/school.aspx?source=studentcharacteristics&source2=studentdemographics&Schoolid=050162110170002>.

interviewed District 211 staff, including lead administrators and disciplinarians at PHS and Fremd. The Village and the District complied voluntarily with the investigation throughout.

In written requests for information, OAG asked District 211 and the Village of Palatine for documents and data from 2018 through 2022 concerning the number of municipal tickets issued to students, the number of students referred to Palatine police department, and the number of calls for service from District 211 to local law enforcement.³¹ OAG requested that District 211 and the Village provide this data disaggregated by race, gender, disability status, and school. OAG also asked District 211 about the number of students suspended, transferred to alternative schools, and expelled, and for policies and procedures relating to school discipline. In turn, OAG asked the Village of Palatine for information about municipal hearings for truancy and school-related misconduct and for information about the police consultant program.

OAG also sent a supplemental Request for Information to District 211 in January 2023 concerning students with disabilities. OAG asked questions designed to understand whether students with particular disabilities, particularly behavioral disabilities, were receiving a disproportionate share of school-based tickets. OAG also asked questions about the District's policies or practices for reevaluating IEPs and BIPs after ticketing and for conducting case study evaluations for students without IEPs who receive multiple tickets.

OAG conducted several interviews of staff from District 211 and the SROs at PHS and Fremd. In May 2023, OAG shadowed the SROs at these schools. In July, OAG interviewed administrative personnel from PHS and Fremd to discuss policies and practices on student ticketing. And in August 2023, OAG interviewed each school's SRO at the Palatine Police Department.

OAG used multiple methods to review and analyze data, based on the records provided by the District and the Village, in order to determine whether ticketing practices disproportionately impacted students based on protected characteristics. The District and the Village of Palatine acknowledged that they did not have reliable data tracking the numbers of students who received tickets or citations at school or their demographics, and discrepancies in the data were evident from the OAG's initial data analysis.³² Even within the Village's data, ticketing numbers could vary widely depending on the database used.³³ And although both the District and the Village produced

³¹ Data analyzed for this investigation includes months of high transmission and lack of vaccines for Covid-19. These months include those in which schools were operating remotely or allowing students to attend school remotely even if classes were being held in-person. Data on discipline and student ticketing may be significantly skewed from previous years by virtue of students not being in a physical educational setting.

³² For example, the District estimated that 70 tickets were issued to students at PHS in 2021-22, while the PHS SRO's monthly activity tracking spreadsheets showed that anywhere from 78 to 111 tickets were issued to students that year. This range is due to the fact that the year-to-date citation totals in the SRO's final monthly spreadsheet for that year (79 tickets) do not exactly match the total sum of the monthly numbers (78 tickets), and also do not appear to include truancy citations tracked by the SRO (which would bring the total to anywhere from 107 to 111 tickets, again due to discrepancies between the year-to-date numbers and the total sum of the monthly numbers provided).

³³ For instance, the PHS SRO's final monthly spreadsheet of the 2021-22 school year stated that 32 truancy citations had been issued in the year to date, but a review of all monthly spreadsheets completed by the SRO for that school year produces a total of 34 truancy citations. Both numbers exceeded that reported by the Village's administrative citations database, which identified only 25 truancy citations issued between April 14, 2020 and May 18, 2022.

estimates of racial demographics and disability status for these tickets, many categories were incomplete or missing entirely.

Therefore, in order to gather additional data for analysis, OAG conducted a detailed review of all 257 Palatine Police Department reports of calls for service (“police reports”) at District 211 schools for the 2021-22 school year, coding demographic and other information documented in the report fields and narratives. Other than truancy citations (of which only a handful were included in these reports), the reports appear to accurately reflect the bulk of the activities documented in the Palatine SRO spreadsheets.³⁴ Nearly all of these police reports were for PHS (234 reports), with a small number of reports for Fremd (6 reports) and District 211 North Campus (17 reports). OAG coded the type of incident, resolution, and location, as well as the information provided for all individuals identified in the reports, including whether the individual was a student, the race and gender of the individual, and whether the individual was arrested or ticketed as the result of the incident. (Some police reports identified multiple individuals who were interviewed, ticketed, or arrested in relation to the call for service.)

Throughout the investigation, OAG also monitored the monthly docket of municipal hearings in Palatine for any truancy or school-based incidents. At OAG’s request, counsel for the Village of Palatine regularly sent OAG staff the municipal hearing docket and informed staff whether any tickets involved students. OAG staff attended several municipal hearings in person at the Palatine Police Department to observe the hearing process.

III. Factual Findings and Analysis

As discussed in more detail in this section, OAG finds reasonable cause to determine the following:

- Despite the state prohibition against school-based ticketing, District 211 engaged in a pattern or practice of directing police to ticket students as a form of discipline for commonplace, school-based misbehavior.
- Three common types of school-based behaviors were the basis for District administrators to direct officers to ticket students: (1) possession of vape pens or other small amounts of contraband (leading to tickets for possession of tobacco products, cannabis, or drug paraphernalia), (2) absence from school (leading to tickets for truancy), and (3) verbal or physical altercations at school (leading to tickets for disorderly conduct or assault and battery).
 - District 211 directed officers to issue tickets to students as a disciplinary consequence for possession of vape pens or other small amounts of contraband, as well as for verbal or physical altercations at school.
 - District 211 and the Village of Palatine worked in concert to issue tickets to students for truancy under an ordinance that conflicts with state law.

³⁴ The OAG’s analysis identified 80 instances from these reports in which students were identified as having been arrested, charged, or ticketed at PHS in 2021-22 (including 67 tickets), as well as 34 reports indicating that the student was not ticketed and instead was diverted to an alternative school-based outcome such as suspension, substance abuse program, formal warning, peer jury, or another outcome determined by school administrators.

- Tickets issued as disciplinary consequences harmed students and families in District 211 by imposing fines and fees, as well as hearings scheduled during school hours.
- District 211’s pattern and practice of directing police officers to ticket students for school-based behaviors disproportionately affected Black and Hispanic students. OAG observed this racial disproportionality across multiple data sources provided by District 211 as well as the Village of Palatine.
- Students with disabilities were not disproportionately likely to be ticketed in District 211, but were referred to law enforcement and suspended out of school at disproportionately high rates.
- As of the 2022-23 school year, the number of tickets issued to students in Palatine has fallen dramatically, and the District appears to have largely ended its practice of directing police to ticket students.
- The District has not identified an important purpose for ticketing students at school for disciplinary reasons, and the practice runs contrary to state statutes.
- Comparably effective alternatives to ticketing are available that likely impose less adverse impacts by race. As of the 2022-23 school year, the District and Village appear to be making more use of these alternative approaches.

a. Despite the state prohibition against school-based ticketing, District 211 engaged in a pattern or practice of directing police to ticket students as a form of discipline for school-based behavior

Based on a review of records as well as interviews with District and Village personnel, OAG concludes that District administrators regularly referred students to law enforcement and directed officers to issue tickets to students carrying a fine or fee for school-based behaviors from August 2018 to May 2022.³⁵

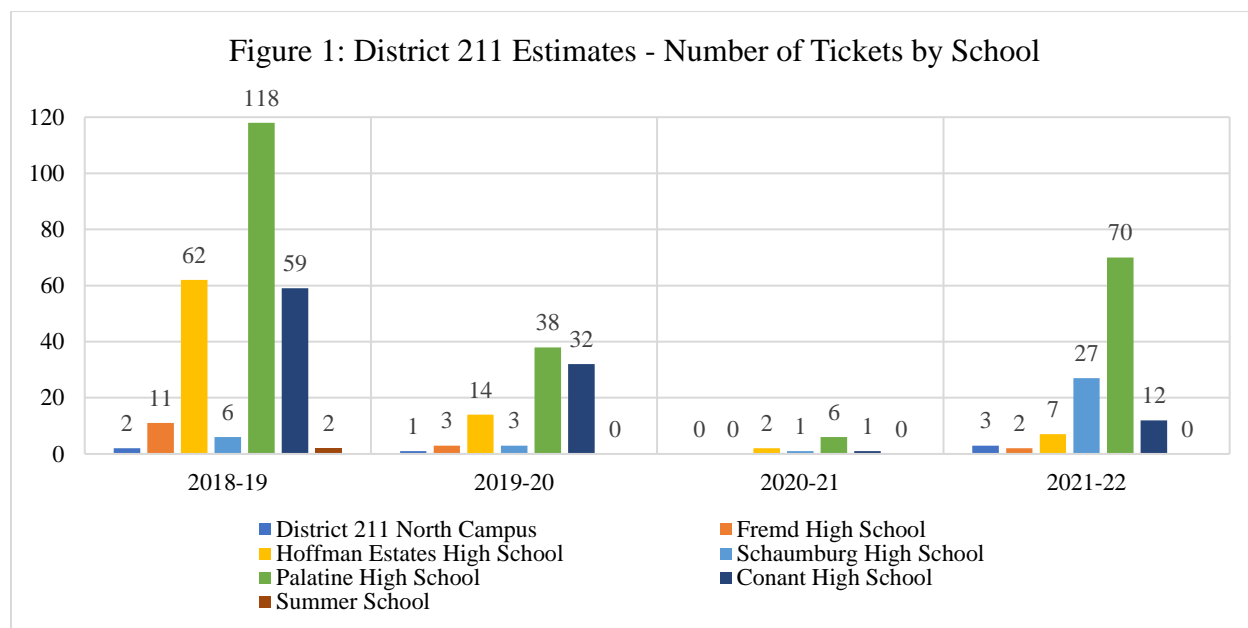
Although neither the District nor the Village reliably tracked numbers of tickets issued to students, records produced by District 211 showed that hundreds of tickets were issued to students for school-based behaviors over a four-year period, and that about half of these tickets were issued at PHS. The large share of tickets issued at PHS is notable, given that it is just one of five similarly-sized high schools in the district.³⁶ In the 2021-22 school year, the number of tickets issued to students at PHS alone exceeded the number at every other school in District 211 combined.³⁷ PHS also has the highest combined percentage of Black and Hispanic students in the District (57% of students), while Fremd has the lowest (17% of students) despite both schools being located in the

³⁵ The 2020-2021 school year was an outlier year, with only 10 total tickets issued. This discrepancy was likely the result of temporary changes in school environments due to the COVID-19 pandemic rather than a change in ticketing policies or practices in the District, as the number of tickets rose again in the 2021-2022 school year.

³⁶ PHS’s enrollment is roughly equal to Fremd’s (with both schools enrolling about 2,600 students during the relevant time period), and comparable to the other three general-enrollment high schools in the District (Hoffman Estates, Conant, and Schaumburg), all of which enrolled between about 2,000 to 2,500 students during the relevant time period.

³⁷ Based on District estimates.

Village of Palatine.³⁸



Given the disproportionate share of Village tickets issued at PHS, OAG focused additional information-collecting and data analysis efforts on that school and on tickets issued within the Village of Palatine.

After reviewing records and conducting interviews, OAG finds reasonable cause to believe that most of these tickets were issued at the District’s direction. Police reports show that, typically, District administrators conducted the initial investigation, then called the school resource officer for service and directed the officer to issue a ticket to the student.

OAG also finds reasonable cause to believe that District administrators directed officers to ticket students with the knowledge that doing so would impose a fine or fee on the student for school-based misbehavior. Palatine’s Village Code publicly sets a fee schedule for each of these ticket violations, and each citation document sets forth the fine amount and how students may pay. Village records show that most students who received tickets in Palatine for school-based misbehavior ultimately paid a fine or fee ranging from \$50 to \$200 per citation.

At PHS, interviews and records show that school administrators and personnel directed and were intimately involved in the ticketing process – often initiating contact between the student and the SRO, directing the SRO to either issue a ticket or to “divert” the student to face disciplinary or alternative consequences at school, and often serving as the complainant. For example, in the PHS police reports reviewed by OAG, more than 50 of the 67 tickets issued to students included a statement in the report narrative expressly indicating that the ticket was issued at the request or direction of a PHS administrator (often identified by name and title as a principal, assistant principal, or dean). At the same time, OAG found that in many of the police reports in which a

³⁸ Illinois Report Card data for 2022-2023 school year (see Table 1, *supra*).

student was “diverted” and not ticketed following an incident, the narrative also stated that the diversion involved a disciplinary consequence by PHS or that school administrators had requested the diversion.

At PHS, the physical location of the school staff and police SROs facilitated administrators’ ability to direct SROs in ticketing and disciplinary matters. The SRO’s office is located in the student support pod of the main office, and the SRO regularly partnered with the other support staff (including the school counselor and social worker). The relationship between the SRO and school personnel went both ways, with the SRO often physically present inside the dean’s office when school discipline was handed down to students.

OAG’s investigation identified three common types of school-based behaviors for which the District directed officers to ticket students: (1) possession of vape pens or other contraband (leading to tickets for possession of tobacco products, cannabis, or drug paraphernalia), (2) absence from school (leading to tickets for truancy), or (3) verbal or physical altercations at school (leading to tickets for disorderly conduct or assault and battery). Nearly all of the tickets issued fell into one of these three categories. According to Village citation data, over the course of four school years, Palatine police issued 382 tickets for school-related conduct, including 119 truancy tickets, 170 tickets for possessing contraband at school (tobacco, drug paraphernalia, cannabis, or liquor), and 80 for altercations at school (disorderly conduct or assault and battery). The large majority of these tickets were issued at PHS, as evident in Table 2.

Table 2: Village of Palatine Citation Categories by School, SY 2018-2022 Totals

	PHS	Fremd	D211 North Campus
Truancy	109	5	5
Disorderly conduct	54	6	12
Drug paraphernalia	40	22	5
Tobacco	32	11	17
Cannabis	28	6	1
Liquor	8		
Assault/Battery	7		1
Other	11	1	1
Total citations, SY 2018-2022	289	51	42

1. Palatine High School administrators directed police to issue tickets to students as a disciplinary consequence for possessing small amounts of contraband, such as vape pens, at school

Based on Village and District data, a review of police reports, and District policy and student handbooks, the OAG finds reasonable cause to believe that District 211 engaged in a pattern or practice of directing police to ticket students for possession of tobacco, cannabis, or related paraphernalia as a disciplinary consequence.

According to Village of Palatine data, the most common reason for issuing tickets to students in school was the possession of contraband (mostly categorized as drug paraphernalia, tobacco, or cannabis, but also including liquor possession). The OAG’s review of police reports identified a pattern in which PHS administrators learned that a student possessed a small amount of contraband at school, such as a vaporizing device with nicotine or cannabis oil (commonly known as a “vape pen”), searched the student outside of the SRO’s presence, and then contacted the SRO and instructed him to issue a ticket. Two such examples follow:

- In one such report, a PHS dean contacted the SRO and requested a citation be issued to a specific Hispanic female student. The dean stated that a teacher had seen a particular Hispanic female student in the bathroom with a vape pen in her mouth. The dean then advised the SRO that she had located the student, searched her, and found a THC vape cartridge. At the dean’s request, the SRO issued the student a ticket citation for possession of drug paraphernalia, despite not having been present for the search.
- In another, similar report, a PHS administrator contacted the SRO and requested that a citation for drug paraphernalia be issued to a specific Hispanic male student. The administrator stated that another staff member had observed this student going in and out of the locker room without a purpose for being there. The administrator then searched the student and located a THC vape pen and an empty cartridge box. At the administrator’s request, the SRO issued the student a ticket citation for possession of drug paraphernalia, despite not having been present for the search. PHS administrators further issued the student an in-school suspension for this conduct.

This pattern of school administrators directing police to ticket students for possession of vape pens as a disciplinary consequence is consistent with District 211 policy, which states that students who possess “tobacco materials or any look-alike tobacco substance in any form” on school property are subject to “citation by law enforcement” as well as disciplinary consequences.³⁹ This approach is also consistent with the PHS student handbook policy, which states that students who violate the school’s tobacco possession or use policy may be subject to citation by local police. However, such a practice is not permitted under the School Code, which prohibits issuing a student “a monetary fine or fee as a disciplinary consequence”: as stated above, tickets for possession of tobacco, drug paraphernalia, or cannabis carry a fine of \$50 to \$200. While school administrators can impose disciplinary consequences for possessing contraband at school, including in-school suspension or required programming, they cannot impose a monetary fine or fee for such conduct.

2. *District 211 and the Village of Palatine worked in concert to issue tickets to students for truancy under an ordinance that conflicts with state law*

Village data shows that truancy is one of the most common school-related reasons for which tickets were issued in Palatine. Although the District did not provide estimates of the

³⁹ District 211 Board Policy on Tobacco Use by Students (last revised November 12, 2015).

numbers of students ticketed for truancy, the Village’s records show that at least⁴⁰ 119 truancy tickets were issued from August 2018 through May 2022, nearly all of them for Palatine High School students. During the approximately two-year period from April 2020 through May 2022, all 25 truancy tickets that were issued by the Village were for Palatine High School students. Records show that the initial fine levied for truancy was typically \$200, and that payment amounts ranged from \$55 to \$200 per ticket, with a handful indicating a balance due of over \$300.

While Illinois law permits municipalities to issue tickets for truancy, it sets specific limits on when and how such tickets may be issued. As defined in Illinois law, truancy means missing more than one day of school: a truant child is one who is subject to compulsory school attendance and who is absent without valid cause for more than 1% but less than 5% of the past 180 school days, while a habitually truant student is one who is absent without valid cause from attendance for more than 5% of the past 180 school days.⁴¹ The Illinois Municipal Code further specifies that municipal truancy ordinances may not punish students for missing a single day or less of school, and that municipalities may impose a maximum fine of no more than \$100 for truancy tickets.⁴²

The Illinois School Code further prohibits any punitive action against truant students, including out-of-school suspensions, expulsions, or court action, for such truancy unless “appropriate and available supportive services and other school resources have been provided to the student.”⁴³ This requirement reflects research and best practices finding that punitive approaches can make students less likely to return to school, and that the most effective ways to address truancy and chronic absenteeism are positive, relationship-based approaches that are tailored to meet students’ specific needs and barriers.⁴⁴

Palatine’s local ordinance does not comply with the requirements of the Illinois Municipal Code. Instead, the Village of Palatine’s truancy ordinance makes it unlawful for a student “to absent himself or herself from attendance at school for a school day or a portion thereof without a valid cause.”⁴⁵ The ordinance permits the Village to impose a monetary fine for truancy of at least \$75, with a maximum of \$1500;⁴⁶ the Village’s 2024 fee schedule sets the fine at \$200.

⁴⁰ This number is drawn from the Village’s administrative citation databases, which show fewer truancy tickets being issued than what is reflected in Palatine High School SRO activity spreadsheets. The Village changed databases as of April 2020, which is why the more detailed discussion of citations in this section focuses on the time period of April 2020 through May 2022.

⁴¹ 105 ILCS 5/26-2a.

⁴² 65 ILCS 5/11-5-9.

⁴³ 105 ILCS 5/26-12.

⁴⁴ See, e.g., Illinois Attendance Commission Report to the Illinois General Assembly and the State Board of Education (Dec. 15, 2020) at 40, available at https://www.isbe.net/Documents_AC/AC-2020-Final-Report.pdf; The Grad Partnership, Proven Strategies that Schools Can Use to Address Chronic Absenteeism (2023), available at [2023 GRAD Response-to-Chronic-Absenteeism 1-5.pdf](https://gradpartnership.org/2023-GRAD-Response-to-Chronic-Absenteeism-1-5.pdf) (gradpartnership.org); University of Chicago, To & Through Project Issue Brief: Attendance, available at https://toandthrough.uchicago.edu/sites/default/files/uploads/documents/UChiToThrough_IssueBrief_ATTENDANCE.pdf; What Works, Wisconsin – Research to Practice Series: Finding Effective Solutions to Truancy (July 2007), available at https://fyi.extension.wisc.edu/whatworkswisconsin/files/2014/04/whatworks_05.pdf

⁴⁵ Village of Palatine Municipal Ord. Sec. 12-38.

⁴⁶ Village of Palatine Municipal Ord. Sec. 12-40 (maximum increased at end of 2023 from \$750).

Similarly, District 211 student handbooks define truancy as any time students are “absent from classes or school without permission” and threatens “increasing measures of discipline” for truancy including ticketing for repeated truancy,⁴⁷ in apparent conflict with the School Code definition of truancy and without acknowledgement that supportive school resources must first be offered to students.

After reviewing Village tickets and police reports, the OAG finds reasonable cause to determine that the District worked with the Village to issue truancy tickets in violation of state law. As noted above, many truancy tickets issued by the Village of Palatine exceeded \$100, the maximum permitted by state law. OAG also identified multiple instances of students receiving truancy tickets for absences of one school day or less, even though state law prohibits such punishment. For example:

- During the 2021-22 school year, a PHS administrator advised the SRO that two students were absent without excuse from school. After the students returned to school after hours, officers responded and took one of the students home. The PHS administration requested that police issue both students tickets for truancy based on this incident, and they did so. The report does not indicate that either student had previously been absent without excuse, or that the school offered any supportive services to either student as required by law.

In addition, records examined by OAG suggest that truancy tickets have been issued by the Village for absences of one school day or less, for fines exceeding \$100, as recently as the 2022-23 school year. While the number of such tickets issued by the Village appears to be relatively small, issuing such tickets conflicts with the state municipal code. For example:

- During the 2022-23 school year, a Palatine police officer was dispatched to a store during school hours to respond to an alleged retail theft. Officers spoke to four teenagers suspected of the theft, none of whom had the allegedly stolen item in their possession. After the teenagers admitted that they were PHS students, the officer issued \$200 tickets to each of the four students for truancy, based on an absence of one day or less from school, and returned the students to campus.

3. *PHS administrators directed police to ticket students as a disciplinary consequence for physical or verbal altercations with other students at school*

Based on Village and District data, a review of police reports, and District policy and student handbooks, the OAG finds reasonable cause to determine that District 211 engaged in a pattern or practice of directing police to ticket students as a disciplinary consequence following physical or verbal altercations with other students at PHS. Village data show that for the 2018 through 2022 school years, 72 tickets were issued to students for disorderly conduct, while 8 tickets were issued for assault and/or battery. After reviewing police reports, OAG identified a pattern in which these disorderly conduct tickets were issued by the school resource officer at the request of a school administrator following an altercation at school, based on an assertion that the altercation

⁴⁷ See, e.g., PHS student handbook at 5.

had alarmed and disturbed school administrators and thus caused a breach of peace. In a number of these reports, the SRO's narrative made it clear that such disorderly conduct tickets were issued at the direction of school administration, sometimes without the police witnessing the altercation or questioning the students involved, and that the reason for the ticket was based on the disruption caused to the school environment rather than any specific alleged harm to a student. Two such examples follow:

- In one report, the SRO issued disorderly conduct tickets to two students (a Hispanic male and an Asian male student) at the request of two school administrators, despite not having witnessed the fight or interviewed the students. Instead, the SRO was advised by a school administrator that he observed the two students physically fighting in the school bathroom, broke up the fight, and escorted them to the administrative office. The school administrator then interviewed the students: one refused to provide a statement and the other stated that they had a verbal argument that escalated into the two of them punching each other. No injuries were identified. Despite neither witnessing the altercation nor interviewing the students, the SRO issued disorderly conduct tickets to both students at the request of school administrators.
- Another report recounted the SRO's issuance of disorderly conduct tickets to two students (a Black male and a white male student) at the request of a specific school administrator. The students had been sitting together with a group of friends and began arguing with each other, then pushed each other and exchanged punches. The altercation was broken up by their friends and school staff and was described as a "mutual combatant fight" with no identified victim or injuries. The SRO did not witness the fight or interview the students, who met with the school nurse and administrators. Rather, the SRO viewed video surveillance and subsequently issued disorderly conduct tickets at the request of the school administrator, based on the assertions that "administration was alarmed and disturbed" by the fight and that neither student took the opportunity to walk away from the confrontation to notify staff.

OAG also identified two instances in which school administrators requested that the SRO intervene in verbal altercations involving Black and/or Hispanic female students, followed by the SRO physically stepping in between students who were arguing and then issuing disorderly conduct tickets to those students when they tried to push past him. In both reports, it appears that the students never made physical contact with one another or requested that a ticket be issued; instead, the SRO recounts that school administrators requested that disorderly conduct tickets be issued because the administrators were "alarmed and disturbed" by the students' actions.

School administrators have discretion to intervene and to discipline students for verbal and physical altercations, given that such altercations can threaten safety and disrupt the school environment. The Illinois School Code recommends that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.⁴⁸ Such measures could include evidence-based restorative justice, trauma-responsive and culturally relevant

⁴⁸ 105 ILCS 5/10-22.6.

practices and interventions.⁴⁹ Again, however, the issuance of fines or fees is prohibited by the Illinois School Code as a disciplinary consequence in these matters.

In conclusion, based on interviews with District personnel and SROs, Village and District data, a review of police reports, and District policy and student handbooks, OAG finds reasonable cause to determine that District 211 school administrators engaged in a pattern or practice of directing police to issue tickets as a disciplinary consequences for student misbehavior relating to school, commonly based on (1) contraband possession at school, (2) truancy, or (3) physical or verbal altercations.

4. *Tickets issued as disciplinary consequences harmed students and families in District 211, including through the impact of fines and fees*

When a student in the Village of Palatine receives a ticket, they have two options: if the penalty on the ticket is monetary, they can pay the fine (typically up to \$200), or they can choose to attend an adjudication hearing. During the course of the OAG’s investigation, the adjudication hearings took place on Wednesdays at the Palatine police station at 1:30 p.m. – prior to school dismissal for both Fremd (2:45 p.m.) and PHS (3:30 p.m.). Therefore, if a student and their family chose to attend the adjudication hearing, the student would have to leave school, and the parent would likely have to take time away from work. At the hearing, the Village Attorney often consulted with the family (the families were often unrepresented) and offered a settlement arrangement. In one hearing observed by OAG, several students were issued \$200 tickets. Some families paid the \$200 in advance, and did not attend the adjudication hearing. One family attended the hearing, and consented to a delayed adjudication arrangement wherein the student’s ticket would be stayed for several months. Barring any further involvement with the Palatine Police Department in the relevant period, the student’s ticket would be withdrawn. This sort of arrangement, a quasi-probation, was not explicitly offered as an option to the students who paid up-front – it was only offered verbally to families who were able to take time away from work and school. In this way, both options cause families to lose time and/or money.

In discussion with the Village Attorney, OAG learned that students who do not attend the hearing and do not pay the fine can be referred to debt collectors. Further, given that many students are younger than the age at which someone may legally work, these tickets have the effect of penalizing the student’s family as a whole.

b. District 211’s pattern and practice of directing police officers to ticket students for school-based behaviors disproportionately affected Black and Hispanic students.

Based on data and records produced by District 211 and by the Village of Palatine, OAG

⁴⁹ See, e.g., U.S. DEP’T OF EDUC., GUIDING PRINCIPLES: A RESOURCE GUIDE FOR IMPROVING SCHOOL CLIMATE AND DISCIPLINE (2014), <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>; NAT’L COUNCIL STATE EDUC. ASSOC. & NAT’L EDUC. ASSOC. CTR. GREAT PUB. SCH., ADDRESSING THE EPIDEMIC OF TRAUMA IN SCHOOLS (July 2019), <http://www.nea.org/assets/docs/NEA%20Student%20Trauma%20Report%207-31.pdf>.

finds reasonable cause to determine that the District’s ticketing practices were disproportionately likely to affect Black and Hispanic students relative to their enrollment, compared to white and Asian students. OAG observed this racial disproportionality across multiple data sources and analyses, namely: (1) four years of data estimates provided by District 211; (2) the limited racial data collected in the Village’s citation database; and (3) an in-depth analysis of Palatine police report narratives for the school year 2021-22.

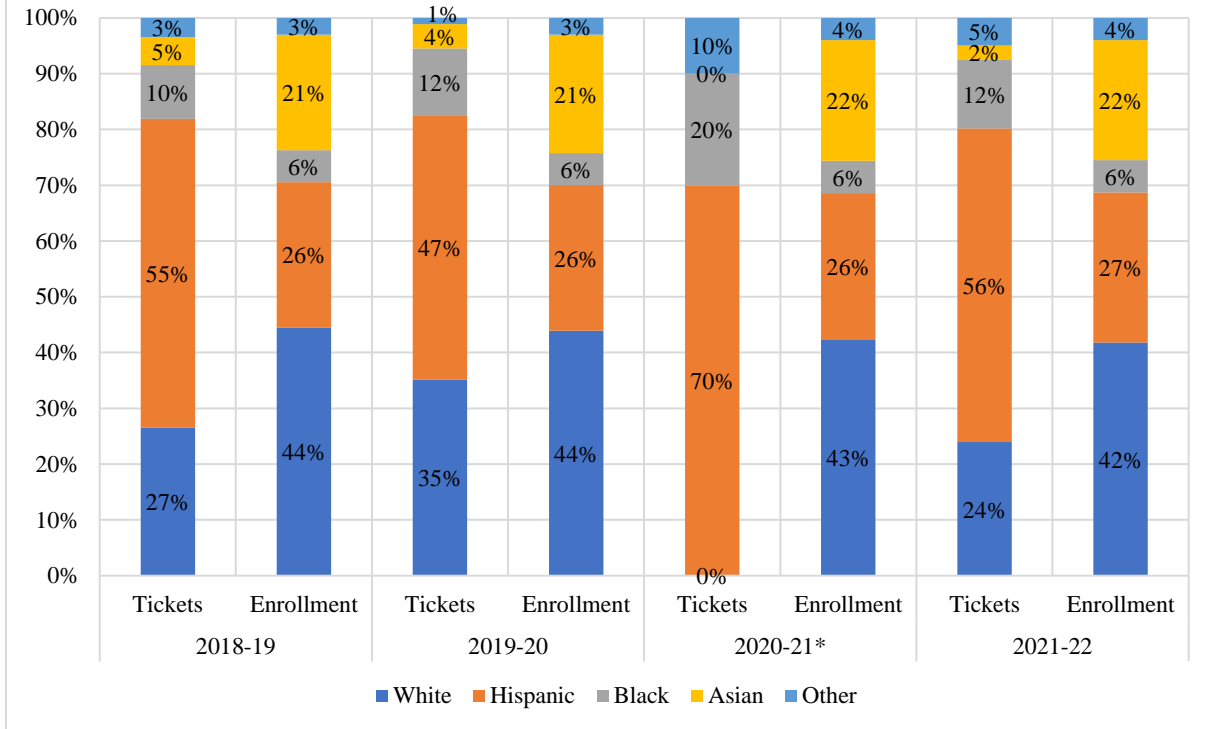
This data aligns with parent and student perceptions identified by the District in its 2021 Equity Plan, which stated: “Parents and students believe that there are unfair disciplinary practices in our schools, including potential bias of school staff members affecting discipline outcomes, an unequal addressing of behavior in classrooms and hallways, and harsher discipline consequence for black and Latinx students.”

1. Racial Disproportionality in District 211 Ticketing Estimates by Race

Throughout the investigation, District 211 maintained that it did not consistently track data on tickets issued to students by law enforcement, but that some information regarding ticketing was tracked in student intervention records. Accordingly, District 211 produced estimates on the number of tickets issued to students within the District over the period of four academic years, as well as estimated breakdowns by race, gender, IEP eligibility, and school. As evident in Figure 2, these estimates show that Black and Hispanic students were ticketed at disproportionately high rates compared to their enrollment in the District. For example, in the 2021-22 school year, the District’s estimates show that Black and Hispanic students received about 68% of the tickets, even though they comprised only about 33% of student enrollment. By contrast, white students received only 24% of the tickets despite comprising 42% of student enrollment. When comparing tickets as a share of enrollment, Black and Hispanic students were approximately three times as likely to receive tickets compared to white students in District 211 over the four-year period in question.⁵⁰

⁵⁰ This number was calculated by dividing tickets as a share of enrollment for Black and Hispanic students by tickets as a share of enrollment for white students over the four-year period, similar to the racial disproportionality measure used by ISBE on student discipline. This is not a precise measure of disproportionality because some students may have received multiple tickets over the time period in question.

Figure 2: District 211 Estimates on Share of Tickets Compared to Share of Enrollment, by Race



* 2020-21 was an outlier year, with only 10 total tickets issued. *See* fn. 35.

2. Village Citation Database by Race

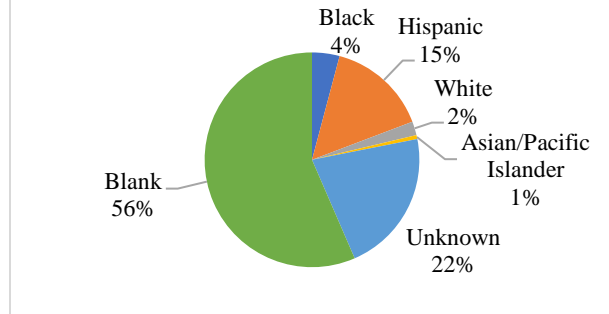
The Village’s citation database did not consistently track the race of students who are ticketed, limiting the degree to which conclusions can be drawn based on this data alone. Where race data was available, however, it reflected a similar disproportionality for Black and Hispanic students as seen in the District 211 estimates above. The Village produced citation data broken down by violation code, sex, race, date, and school where the citation was issued from 2018-2022.⁵¹ Race of the student was noted for only 73 of 340 tickets issued (see Table 3). Setting aside citations where the race of the student is unknown or left blank, Hispanic students made up 72.6% of tickets issued during this time period (compared to only 31.3% of the student population at PHS and Fremd). Black students made up 19.2% of ticketed students for whom race was available, while only making up 5% of the student population. On the other hand, white students comprised 40.3% of the student population, but represented 9.5% of tickets for which the race of the student was listed.

⁵¹ In 2021, Palatine Police Department switched over to a new data collection process (DACRA); due to this switch, the citation data was produced in two spreadsheets, one being pre-DACRA and the other being post. It should be noted that the field codes for race in pre-DACRA data are Black, White, Hispanic, Asian/Pacific islander, Unknown, and blank. The field codes for DACRA race data are significantly more limited: Black, White, Hispanic, and Unknown. Additionally, the field codes for pre-DACRA data on sex are Female, Male, and Blank, while DACRA data codes are Female, Male, and Unknown.

Table 3: Village Citation Data by Race, 2018-22

Race	Citation Total
Black	14
Hispanic	51
White	7
Asian/Pacific Islander	2
Unknown	73
Blank	191

Figure 3: Village Citation Data by Race, 2018-22

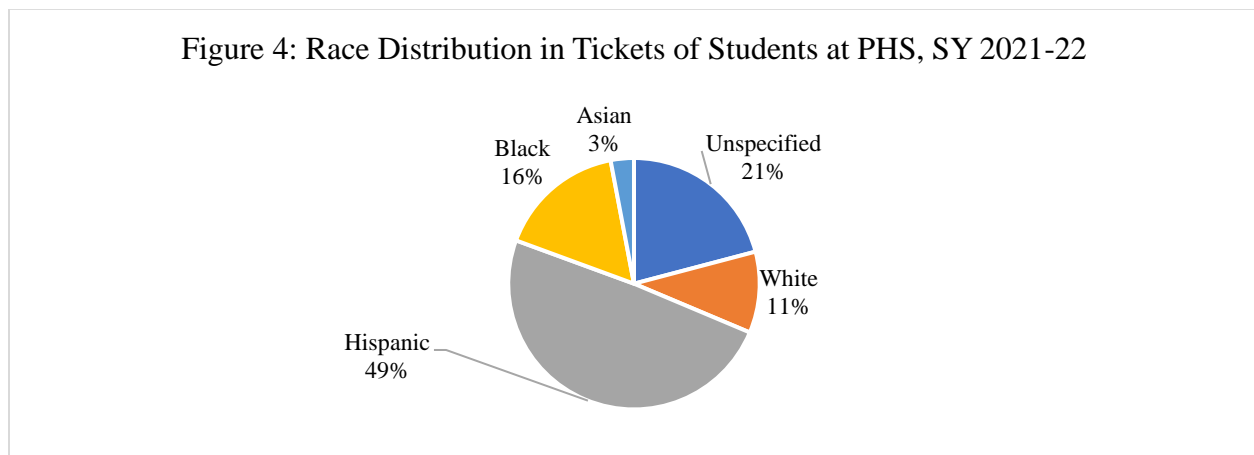


Truancy was one category for which the Village’s citation database included race for most tickets. Out of 25 truancy tickets issued between April 2020 and May 2022, race was listed for 14 tickets. All but one of those truancy tickets were issued to Hispanic students, and only one was issued to a white student. While not conclusive due to the small number of tickets and the limited availability of race data, this data is consistent with District data showing a higher chronic truancy rate for Hispanic students compared to white students.⁵²

3. Racial Disparity in Calls for Service by Race at PHS for 2021-22 School Year

OAG’s detailed review of the narratives of all 257 Palatine Police Department reports of calls for service at District 211 schools for the 2021-22 school year identified 67 tickets for the year at PHS, for which race was reported for 53 tickets (about 79 percent). Figure 4 shows the race distribution for all 67 tickets documented in these police reports during the 2021-22 school year, including the tickets for which race was unspecified. Even without excluding the tickets for which race was unspecified, a racial disparity in ticketing is evident for Black students at PHS, who comprised only 5% of the student body in 2021-22 but at least 16% of the students ticketed that year.

Figure 4: Race Distribution in Tickets of Students at PHS, SY 2021-22



⁵² Illinois Report Card data, available at <https://www.illinoisreportcard.com/District.aspx?source=studentcharacteristics&source2=chronictruants&Districtid=05016211017>

The 53 tickets issued at PHS for which the student’s race was specified in 2021-22 show that Black and Hispanic students tended to receive tickets disproportionate to their enrollment rates in the school, while white and Asian students were less likely to receive tickets.

Table 4: PHS Race Distribution in Enrollment and Tickets, 2021-22⁵³

	White	Hispanic	Black	Asian
Tickets (where student's race was specified)	13%	62%	21%	4%
Enrollment	36%	49%	5%	8%

c. Students with disabilities were not disproportionately likely to be ticketed in District 211, but were referred to law enforcement and suspended out of school at disproportionately high rates

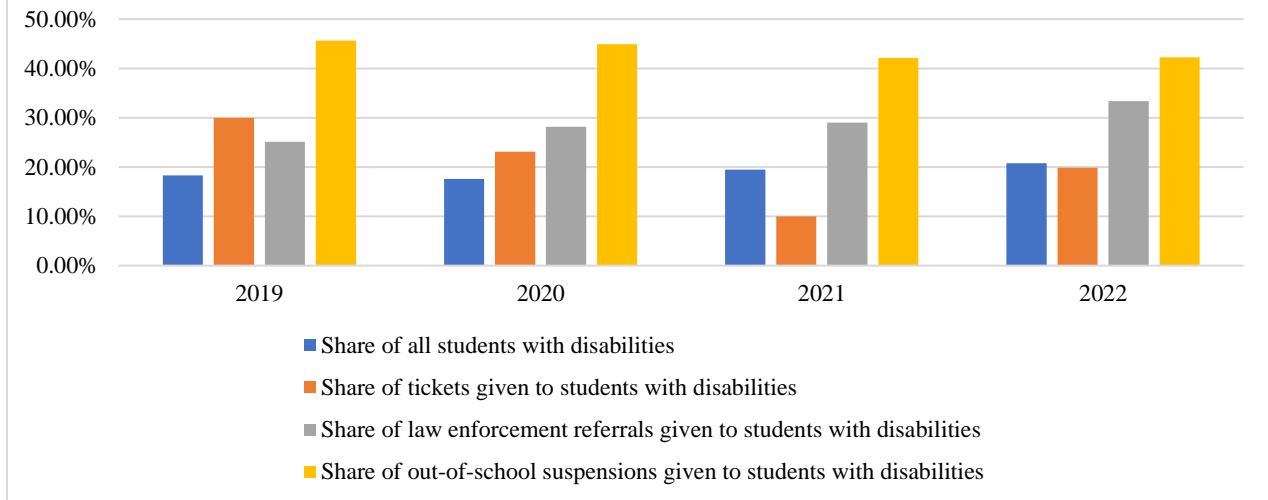
OAG’s investigative findings regarding students with disabilities are more limited than its findings regarding race, in part because of a lack of access to reliable data. Unlike race, neither the Village of Palatine nor its SROs track data on disability status, IEPs, or 504 plans of students in ticketing or police reports. For its data analysis, the OAG therefore had to rely solely on data on students with disabilities provided by the District, which described its data on ticketing as “limited, and unreliable, at best.” In addition, the OAG did not have access to data disaggregating students by race and disability, and therefore cannot draw conclusions about whether disparities are more pronounced among students of color who have disabilities in the District.

Based on the data provided by the District, OAG’s investigation did not identify consistent disproportionality in ticketing for students with disabilities. For purposes of this investigation, the OAG considered “students with disabilities” to include students with IEPs and students with 504 plans. In the 2019 school year, students with disabilities made up only 18 percent of the student population but received 30 percent of the tickets issued to students, a disproportionate share. Data for 2020 and 2021 were inconclusive, however. And in 2022, students with disabilities received roughly a proportionate share of the tickets issued at 19 percent.

With respect to other disciplinary actions, the District’s data showed that students with disabilities were consistently referred to law enforcement and suspended out of school at higher rates than other students. The disparity was most pronounced for out-of-school suspensions, which students with disabilities were about twice as likely as other students to receive between 2019 and 2022. In 2019, 18 percent of the students had disabilities, yet students with disabilities consisted of 25 percent of the law enforcement referrals and 45 percent of the out-of-school suspensions. Similarly, in 2020, although just 17 percent of students had disabilities, these students made up 28 percent of the law enforcement referrals and 45 percent of the out-of-school suspensions. A similar pattern continued in 2021 and 2022.

⁵³ Ticket data collected by OAG from Palatine Police Department police reports (excluding data where student’s race was not specified). Enrollment data from Illinois Report Card, 2022.

Figure 5: Students with Disabilities vs. Disciplinary Actions, District 211



OAG also requested and analyzed the data about students with IEPs disaggregated by the reason for the student’s IEP. In particular, OAG analyzed data for students with IEPs based on autism, emotional disturbance, and specific learning disability. OAG did not find sufficient evidence to conclude that any particular disability category was disproportionately likely to be ticketed or disciplined compared to others.

OAG’s interviews with District 211 staff and the SROs revealed some shortcomings in policies and practices regarding students with disabilities. Namely, interviews revealed concerns about a lack of coordination between the District and SROs regarding appropriate response to students with disabilities, as well as identifying students who might have disabilities in need of services. District 211 does not have procedures in place to evaluate students for IEP or 504 eligibility after multiple tickets or disciplinary actions. A student who consistently faces discipline for misbehavior may be living with a disability which entitles them to an IEP or 504 plan. Staff at PHS reported that such students are treated on a case-by-case basis: there is no written policy or unwritten practice setting forth when to evaluate a student for an IEP or 504 plan. At Fremd, staff reported that these students are evaluated for IEPs and 504 plans, but did not articulate any specific policy. OAG’s review of police reports in Palatine found instances in which the SRO noted that students or parents identified concerns about mental health or substance abuse needs; the reports did not indicate whether such students were then evaluated for an IEP or 504 plan, and in some cases it appeared that the students were ticketed rather than referred to services.

d. As of the 2022-23 school year, District 211 and the Palatine Police Department have drastically reduced the use of school-based ticketing and acknowledge it is not necessary for school discipline

When a particular disciplinary practice is identified as imposing a disparate impact based on a protected characteristic, this does not necessarily mean that it violates civil rights laws. To defend the practice, a school district would need to demonstrate both (1) that the policy in question is necessary to meet an important goal that is not a pretext for an underlying discriminatory

purpose, and (2) that no other comparably effective alternative policies would meet that goal with less of an adverse impact on the disproportionately affected group.

1. *The District has not identified an important purpose for ticketing students at school for disciplinary reasons, and the practice runs contrary to state statutes*

The District has not identified an important purpose necessitating the ticketing of students in school, and consistently denied engaging in the practice. For example, despite data that showed truancy was at, one point, the leading behavior generating a student ticket,⁵⁴ the majority of administrators we spoke to specifically stated they had “no knowledge” of students being ticketed for truancy.⁵⁵ In fact, administrators at Fremd and PHS discounted the use of ticketing in schools, with many noting that they had come to understand that ticketing was an old practice that the schools no longer engage in. Indeed, as discussed in more detail below, the number of tickets issued to students in Palatine has fallen dramatically as of the 2022-23 school year.

The OAG finds reasonable cause to conclude that the practice of directing SROs to ticket students for disciplinary reasons is not necessary to meet an important goal, given that (as discussed above) this practice appears to run contrary to provisions in the Illinois School Code and the Illinois Municipal Code. The School Code prohibits issuing monetary fines or fees to students as a disciplinary consequence, and OAG identified numerous instances in which school administrators directed officers to issue fine-carrying tickets as a disciplinary consequence for behaviors such as possession of a vape pen or engaging in a verbal altercation at school. Moreover, OAG identified reason to conclude that truancy ticketing practices in Palatine violated limits set forth under the Illinois Municipal Code as well as the School Code.

2. *Comparably effective alternatives to ticketing are available that likely impose less adverse impacts by race*

OAG’s investigation identified a number of alternatives to ticketing, such as substance abuse programming, peer jury, or therapeutic services, as less punitive options available to District 211 that meet the same goals with less adverse impact.

OAG’s review of police reports identified multiple alternatives to ticketing that were inconsistently used to achieve disciplinary goals. OAG identified 34 police reports from PHS during the 2021-22 school year indicating that the student was not ticketed and instead was diverted to an alternative school-based outcome such as suspension, substance abuse program, formal warning, peer jury, or another outcome determined by school administrators. While significantly smaller than the 80 instances of students being arrested, charged, or ticketed following activity in or related to school, this nonetheless shows that other non-ticketing options are available to administrators to accomplish disciplinary goals. While not all of the 34 reports were specific about the nature of the diversion, they included 5 reports indicating that the student had been referred to peer jury and 5 reports stating that the student had been referred to a substance

⁵⁴ Based on data produced by Village of Palatine, July 2022.

⁵⁵ Despite these trends, tickets for all school-based conduct dropped considerably in 2022 after the ProPublica/Chicago Tribune article was published and the Attorney General’s Office launched its investigation.

abuse program in lieu of citation.

Palatine SROs interviewed by OAG further highlighted the peer jury program in the District as an effective alternative to ticketing. The peer jury programs acts as a separate option to law enforcement referrals and student ticketing and is intended to address and change student behavior as a diversion program.⁵⁶ The option is available for students who commit low-level “offenses” (i.e. actions not causing severe bodily harm). The “jury” is made up of high school and middle school students that imposes a “sentence” such as counseling or community service. If the student fails to complete these requirements, the Village then prosecutes the offense. The SROs expressed pride in this program because it requires active participation of the student while simultaneously serving as a diversion from more severe consequences.⁵⁷ It offers another tool to the District to address misconduct outside of ticketing or punitive disciplinary consequences.

The 2021-22 school year reports also show that the decision to issue an alternative school-based consequence in lieu of a ticket was also typically made by school administrators. Of the 34 reports indicating some form of diversion away from ticketing or arrest, most stated that this decision was made by PHS administration.

OAG also examined the race of students who were diverted from receiving a ticket. Though the smaller number of diversions (race was specified for 26 out of 34 students diverted) makes drawing definitive conclusions challenging, it appears that white students identified in these police reports were comparatively more likely than non-white students to avoid ticketing or arrest. In all, OAG’s analysis identified 146 instances in the 2021-22 PHS police reports in which a student was identified as a “suspect” for investigation. Only 52 percent of the white students identified as suspects in these reports were ticketed or arrested, compared to 69 percent of the Hispanic students, 63 percent of the Black students, and 75 percent of the Asian students.

Table 5: Students Identified as Suspects in PHS Police Reports, SY 2021-22

	Race					Total
	Unspecified	White	Hispanic	Black	Asian	
Total students named	44	21	58	19	4	146
Ticket or citation	14	7	33	11	2	67
Diversion specified	8	5	14	6	1	34
Arrest/charge	0	4	7	1	1	13
Other outcome (e.g., SRO concluded insufficient evidence, victim did not want to pursue)	22	5	4	1	0	32
Share of students identified in reports who were ticketed or arrested		52%	69%	63%	75%	55%

⁵⁶ SRO Interviews August, 23, 2023.

⁵⁷ One example of the peer jury process was noted in citations reviewed by our office. In this case, a student was approached by the SRO for having cigars and a lighter on school grounds. The student was remorseful about his misconduct and agreed to participate in the peer jury process.

The OAG’s review of police report narratives also identified some instances in which Hispanic students were issued tickets for in-school behaviors, while white students who engaged in apparently similar behaviors received an alternative disciplinary consequence at the direction of school administration. For example, during the 2021-22 school year:

- Reports showed that the SRO issued tickets to two Hispanic female students for underage alcohol consumption after a referral by a school administrator revealed they were intoxicated and had a bottle of alcohol, but opted not to issue tickets to two white male students who admitted to school administrators that they kept a bottle of alcohol in the locker room and had drunk from it during the school day. In the latter situation, the SRO reported that the decision to “divert” the white male students away from tickets was based on their cooperation and the alternative disciplinary consequences implemented by school administrators, namely two days of suspension and athletic suspensions. Neither the SRO nor the school chose to divert either Hispanic female student to suspension, substance abuse programming, or other therapeutic treatment, even though the mother of one of the students met with them regarding concerns about her daughter’s ongoing problems with alcohol abuse.
- On two separate occasions, a school administrator reported to the SRO that they had smelled cannabis and then located half a joint in a student’s belongings. In the report involving a Hispanic male student, school administration requested that the SRO issue a citation for possession of cannabis, and the SRO complied. But in the report involving a white female student, school administration requested that no citation be issued because the school planned to offer her therapeutic treatment; the SRO complied with this request and issued no ticket.

While these narratives do not offer conclusive evidence of race discrimination, they provide further reason to conclude that alternative disciplinary consequences other than ticketing are available to meet the goals of District 211 school administrators and SROs, and that those alternative disciplinary consequences are likely to have a less adverse impact on Black and Hispanic students. As discussed above, citations carry a monetary fine ranging from \$50 to \$200 and typically require students to miss school if they attend the hearing. As observed in the police report narratives, school administrators and SROs can divert students to alternatives such as substance abuse programming, therapeutic programming, or peer jury to accomplish the same disciplinary goals with fewer adverse impacts on the students.

3. *As of the 2022-23 school year, the number of tickets issued to students in Palatine has fallen dramatically, and the District and Village appear to be making more use of alternative approaches*

As of the 2022-23 school year, the OAG finds reasonable cause to determine that District 211 and the Village of Palatine have significantly curtailed their use of student ticketing and have made more use of alternative approaches to addressing truancy and discipline issues among students.

Data reported by the Village of Palatine, as well as activity reports by the SROs assigned to PHS and Fremd, show a dramatic decline in the number of tickets issued to students for the 2022-23 school year, compared to the previous school year. For example, the PHS SRO reported issuing only 15 ordinance citations in 2022-23, compared to 79 in 2021-22. The Fremd SRO reported issuing only 4 ordinance citations in 2022-23, compared to 18 in 2021-22. At PHS, the SRO's activity reports suggest that this decline is not due to a reduction in incidents but rather reflects a shift towards alternative approaches to arrest or citation in responding to incidents: the number of investigations reported by the SRO stayed roughly constant over the previous year, and the number of consultations with students and parents increased, while tickets and arrests declined. This data suggests that investigations at PHS were increasingly being addressed through alternative approaches to ticketing or arrest in the 2022-23 school year.

Based on records produced by the Village of Palatine, it appears that all, or nearly all, of the tickets issued to students by SROs were for physical fights, and not for possession of tobacco or other contraband, in the 2022-23 school year.⁵⁸ OAG is encouraged that District 211 appears to have identified effective alternative approaches to deal with student vaping and contraband possession, as well as most student altercations, that do not involve police ticketing or arrest. OAG remains concerned that, while the number of tickets issued to students in Palatine have dramatically decreased, it appears that most of those tickets were issued to Black or Hispanic students.

In some instances, school administrators may conclude that disciplinary consequences such as in-school suspensions are a justified alternative approach to addressing disruptions to the school environment from student misbehavior. OAG notes that the School Code also sets forth specific limitations on the use of punitive and exclusionary discipline measures, particularly expulsion and out-of-school suspension, in part due to their adverse effects on students. Simply replacing ticketing with expulsion or out-of-school suspension is unlikely to mitigate the harmful effects of ticketing practices. The District's data already tends to show that expulsions and out-of-school suspensions are disproportionately likely to be issued to students of color: during the 2022-23 school year, even as ticketing fell, District 211's racial disproportionality rate in issuing expulsions and out-of-school suspensions increased to a rate that placed it among the highest 20 percent in the state.⁵⁹ Overall, however, District 211 has been successful in reducing the number of expulsions and out-of-school suspensions issued to students in recent years. Therefore, OAG encourages the District and its SROs to continue using less punitive alternative approaches available to address student misbehavior, and to further explore disciplinary practices that ensure that expulsions and out-of-school suspensions do not become further concentrated among students of color.

With respect to truancy ticketing, the Village of Palatine reported issuing only 4 tickets for truancy in the 2022-23 school year, and these tickets appear to have been issued not by SROs but

⁵⁸ As discussed on the next page, the tickets issued by Village police for truancy do not appear to have been issued by SROs in the 2022-23 school year.

⁵⁹ ISBE data, available at [https://www.isbe.net/ layouts/Download.aspx?SourceUrl=/Documents/Exclusion-Racial-Disproportionality-Data.xlsx](https://www.isbe.net/layouts/Download.aspx?SourceUrl=/Documents/Exclusion-Racial-Disproportionality-Data.xlsx).

by other police in the Village. While OAG is encouraged by the small number of truancy tickets, OAG remains concerned that (as discussed above) the issuance of such tickets does not comply with limits in the Illinois Municipal Code.

IV. Recommendations

The following remedial measures are necessary for the District and the Village to address the findings above and ensure future compliance with state and federal laws:

- 1. Formalize the reduction in ticketing via written policies at the District and school level, and require SROs to adopt and document alternative approaches (such as peer jury or substance abuse programming) before ticketing students for behavior at school.**

The reduction in District 211's ticketing and movement towards alternative approaches are encouraging, but must be standardized and formalized in written policies. District policies and school handbooks should specifically prohibit school administrators and personnel from directing or requesting police to issue tickets to students as a form of discipline. This includes removing the provisions from the District tobacco policy and school handbooks which state that students who possess tobacco products are subject to citation by law enforcement. Policies and handbooks should reflect the District's preference for alternative approaches by identifying alternatives to ticketing, such as substance abuse programming, peer jury, or therapeutic services, which may be provided as a response. If an alternative approach is not appropriate for a certain situation, the SRO and the District should reflect the reason for such decision in written reports.

Similarly, the District's MOUs with police departments should be revised to formalize current alternative approaches. This should include specifying that school administrators and personnel may not direct or request SROs to issue tickets to students, and generally restricting SROs from issuing tickets for conduct taking place in the school building or during school hours. Amendments should also explicitly reference the School Code's prohibition on school officials issuing monetary fines, and should specifically restrict SROs from issuing disorderly conduct or tobacco possession tickets to students for their conduct at school. The MOUs should also specify that SROs should not issue tickets to students unless they have first issued alternative consequences (such as peer jury or substance abuse programming) that the student has failed to comply with, or they have documented exigent circumstances justifying the issuance of a ticket.

- 2. Expand delayed adjudication to all tickets issued to District 211 students, and end efforts to collect on fines or debts from such tickets.**

OAG is encouraged by the Village's adoption, in many circumstances, of a delayed adjudication arrangement wherein a student's ticket would be stayed for several months. Barring any further involvement with the Palatine Police Department in the relevant period, the student's ticket would be withdrawn. However, students should not have to attend a hearing during school hours with their families in order to secure such a delayed adjudication arrangement and to avoid fines and fees, particularly in light of the prohibition in state law from imposing fines and fees as disciplinary consequences. District MOUs with municipalities should require that any tickets

issued to students be subject to delayed adjudication arrangements and automatically withdrawn if the student has no further involvement with law enforcement in a specified period of time. District MOUs should further provide that in the event that a student ticket is not withdrawn and thus results in a fine or fee, that the municipality will not send unpaid tickets to debt collection.

3. Bring truancy enforcement into compliance with state law by amending District MOUs, repealing or amending applicable truancy ordinances, and instituting District policies to document the provision of supportive services before truancy tickets are issued.

Both District 211 and the municipalities it covers must take action to bring their truancy ordinances and policies into compliance with the limitations set forth under state law. First, to ensure compliance with the School Code, the District should amend its policy and student handbooks to align definitions of truancy with state law and further institute a requirement that administrators document any supportive services offered to truant students and their families prior to referring or sharing information for truancy ticketing. The District should also include these definitions and requirements in its MOUs with local municipalities.

Second, municipalities covered by District 211 should also amend or repeal their truancy ordinances to ensure compliance with the home rule limits set by the Illinois Municipal Code. Specifically, Palatine must amend both its fee schedule and its underlying truancy ordinance to ensure that it imposes a maximum fine of no more than \$100 and does not punish students for missing a single day or less of school. OAG also notes that Schaumburg and Hoffman Estates also have ordinances that appear to permit truancy ticketing for missing a single day or less of school, though they do not levy a fine in excess of \$100.⁶⁰ These ordinances should be amended as well to ensure consistency with state law across the District.

4. Adopt standardized data collection requirements on student ticketing and contact with SROs, including demographic information.

District 211 should track each time a student is ticketed, arrested, or has formal contact with an SRO in any way. Throughout the investigative process, District 211 maintained that they did not formally track student ticketing or interactions with SROs, and OAG found discrepancies and missing data across District and Village sources. To ensure legal compliance and identify any concerning patterns that arise,⁶¹ District 211 should adopt measures (including amending its MOUs) to track and compile data on tickets issued by SROs within District schools, all truancy tickets issued to District students, alternative approaches to ticketing, and all arrests and other contacts with SROs at school.

⁶⁰ Schaumburg imposes a fine for truancy of \$50 (ORD 37.13); its ordinance appears to punish all unexcused absences without regard for whether it is a day or less (137.02). Hoffman Estates (7-2-6) also specifically permits punishing students for truancy based on a day or less of absence, and appears to levy a fine for truancy (or “school curfew”) of \$50 if paid in advance of a hearing or \$100 if the student fails to appear at the hearing (7-13-1).

⁶¹ Illinois law requires school boards and the governing bodies of charter schools to undertake an annual review of their discipline policies and the implementation of those policies, working alongside a parent-teacher advisory committee. 105 ILCS 5/10-20.14.

Much of this data is already collected in some form by the District or individual SROs, so this recommendation would not require instituting an entirely new data collection mechanism so much as formalizing and standardizing existing practices. For example, the SROs at PHS and Fremd already generate monthly spreadsheets that track formal points of contact with students, including tickets and other categories of activity (such as referrals to peer jury), with categories for tracking race data. And the District is already required by the U.S. Department of Education to track law enforcement referrals of students by race and disability status. Standardizing monthly reporting will permit the District to document its changed practices and assess their ongoing implementation.

5. Identify students who have repeated disciplinary incidents or contacts with SRO and evaluate for an IEP or Section 504 Plan eligibility.

Using the data collected, the District should create and implement procedures for referring students for evaluation who receive multiple tickets or arrests to determine IEP or Section 504 Plan eligibility. As a local educational agency, District 211 is required by IDEA to identify, locate, and evaluate all children with disabilities.⁶² Students with multiple disciplinary infractions may be exhibiting behaviors that are manifestations of undiagnosed disabilities for which they require special education services and supports. If the District has no process in place to flag students with repeat disciplinary infractions for evaluation, then the District may be allowing students to fall through the cracks in violation of its Child Find obligation. District 211 should create and implement a consistent procedure for referring students for evaluation to determine eligibility for an IEP or Section 504 Plan following a specified number of disciplinary events and law enforcement involvement.

6. Implement policies and provide ongoing professional development to all school personnel and school resource officers that support the behavior-related needs of students without resorting to suspension and/or expulsion.

To reduce the disproportionate number of students with disabilities subject to out-of-school suspensions, the District should provide ongoing professional development encouraging the use of proactive, Multi-Tiered Systems of Support practices, focused on the whole child, and inclusive of not just academic support, but also behavioral, social, and emotional support. The District should adopt policies to implement effective, preventative, and responsive practices in place of exclusionary discipline and utilize strategies to ensure students with disabilities receive a Free Appropriate Education.⁶³

V. Conclusion

OAG appreciates the steps that the District has taken as of the 2022-23 school year to reduce the number of tickets issued to students and adopt alternative practices that are less likely to impose an unjustified disparate impact on Black and Hispanic students. We look forward to further discussing implementation of the recommendations detailed above to ensure legal

⁶² See 34 C.F.R. § 300.111(a) (Child Find obligation).

⁶³ See 34 C.F.R. § 104.

compliance moving forward.

Respectfully,

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