

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 10-22.6, 27A-5, and 34-19 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 Sec. 10-22.6. Suspension or expulsion of pupils; school  
8 searches.

9 (a) To expel pupils guilty of gross disobedience or  
10 misconduct, including gross disobedience or misconduct  
11 perpetuated by electronic means, or to expel pupils as provided  
12 in subsection (d-10) of this Section, and no action shall lie  
13 against them for such expulsion. Expulsion shall take place  
14 only after the parents have been requested to appear at a  
15 meeting of the board, or with a hearing officer appointed by  
16 it, to discuss their child's behavior. Such request shall be  
17 made by registered or certified mail and shall state the time,  
18 place and purpose of the meeting. The board, or a hearing  
19 officer appointed by it, at such meeting shall state the  
20 reasons for dismissal and the date on which the expulsion is to  
21 become effective. If a hearing officer is appointed by the  
22 board he shall report to the board a written summary of the  
23 evidence heard at the meeting and the board may take such

1 action thereon as it finds appropriate. An expelled pupil may  
2 be immediately transferred to an alternative program in the  
3 manner provided in Article 13A or 13B of this Code. A pupil  
4 must not be denied transfer because of the expulsion, except in  
5 cases in which such transfer is deemed to cause a threat to the  
6 safety of students or staff in the alternative program.

7 (b) To suspend or by policy to authorize the superintendent  
8 of the district or the principal, assistant principal, or dean  
9 of students of any school to suspend pupils guilty of gross  
10 disobedience or misconduct, ~~or~~ to suspend pupils guilty of  
11 gross disobedience or misconduct on the school bus from riding  
12 the school bus, or to suspend pupils as provided in subsection  
13 (d-10) of this Section, and no action shall lie against them  
14 for such suspension. The board may by policy authorize the  
15 superintendent of the district or the principal, assistant  
16 principal, or dean of students of any school to suspend pupils  
17 guilty of such acts for a period not to exceed 10 school days.  
18 If a pupil is suspended due to gross disobedience or misconduct  
19 on a school bus, the board may suspend the pupil in excess of  
20 10 school days for safety reasons. Any suspension shall be  
21 reported immediately to the parents or guardian of such pupil  
22 along with a full statement of the reasons for such suspension  
23 and a notice of their right to a review. The school board must  
24 be given a summary of the notice, including the reason for the  
25 suspension and the suspension length. Upon request of the  
26 parents or guardian the school board or a hearing officer

1 appointed by it shall review such action of the superintendent  
2 or principal, assistant principal, or dean of students. At such  
3 review the parents or guardian of the pupil may appear and  
4 discuss the suspension with the board or its hearing officer.  
5 If a hearing officer is appointed by the board he shall report  
6 to the board a written summary of the evidence heard at the  
7 meeting. After its hearing or upon receipt of the written  
8 report of its hearing officer, the board may take such action  
9 as it finds appropriate. A pupil who is suspended in excess of  
10 20 school days may be immediately transferred to an alternative  
11 program in the manner provided in Article 13A or 13B of this  
12 Code. A pupil must not be denied transfer because of the  
13 suspension, except in cases in which such transfer is deemed to  
14 cause a threat to the safety of students or staff in the  
15 alternative program.

16 (c) The Department of Human Services shall be invited to  
17 send a representative to consult with the board at such meeting  
18 whenever there is evidence that mental illness may be the cause  
19 for expulsion or suspension.

20 (d) The board may expel a student for a definite period of  
21 time not to exceed 2 calendar years, as determined on a  
22 case-by-case ~~case by case~~ basis. A student who is determined to  
23 have brought one of the following objects to school, any  
24 school-sponsored activity or event, or any activity or event  
25 that bears a reasonable relationship to school shall be  
26 expelled for a period of not less than one year:

1           (1) A firearm. For the purposes of this Section,  
2 "firearm" means any gun, rifle, shotgun, weapon as defined  
3 by Section 921 of Title 18 of the United States Code,  
4 firearm as defined in Section 1.1 of the Firearm Owners  
5 Identification Card Act, or firearm as defined in Section  
6 24-1 of the Criminal Code of 2012. The expulsion period  
7 under this subdivision (1) may be modified by the  
8 superintendent, and the superintendent's determination may  
9 be modified by the board on a case-by-case basis.

10           (2) A knife, brass knuckles or other knuckle weapon  
11 regardless of its composition, a billy club, or any other  
12 object if used or attempted to be used to cause bodily  
13 harm, including "look alike" of any firearm as defined in  
14 subdivision (1) of this subsection (d). The expulsion  
15 requirement under this subdivision (2) may be modified by  
16 the superintendent, and the superintendent's determination  
17 may be modified by the board on a case-by-case basis.

18 Expulsion or suspension shall be construed in a manner  
19 consistent with the Federal Individuals with Disabilities  
20 Education Act. A student who is subject to suspension or  
21 expulsion as provided in this Section may be eligible for a  
22 transfer to an alternative school program in accordance with  
23 Article 13A of the School Code. The provisions of this  
24 subsection (d) apply in all school districts, including special  
25 charter districts and districts organized under Article 34.

26           (d-5) The board may suspend or by regulation authorize the

1 superintendent of the district or the principal, assistant  
2 principal, or dean of students of any school to suspend a  
3 student for a period not to exceed 10 school days or may expel  
4 a student for a definite period of time not to exceed 2  
5 calendar years, as determined on a case-by-case ~~case-by-case~~  
6 basis, if (i) that student has been determined to have made an  
7 explicit threat on an Internet website against a school  
8 employee, a student, or any school-related personnel, (ii) the  
9 Internet website through which the threat was made is a site  
10 that was accessible within the school at the time the threat  
11 was made or was available to third parties who worked or  
12 studied within the school grounds at the time the threat was  
13 made, and (iii) the threat could be reasonably interpreted as  
14 threatening to the safety and security of the threatened  
15 individual because of his or her duties or employment status or  
16 status as a student inside the school. The provisions of this  
17 subsection (d-5) apply in all school districts, including  
18 special charter districts and districts organized under  
19 Article 34 of this Code.

20 (d-10) In this subsection (d-10), "violent felony" means a  
21 violent felony as defined in Section 5 of the Medical School  
22 Matriculant Criminal History Records Check Act.

23 Subject to subsections (a) and (b) of this Section, the  
24 board may suspend or, by policy, authorize the superintendent  
25 of the district or the principal, assistant principal, or dean  
26 of students of a school to suspend a student for a period not

1 to exceed 10 school days or may expel a student for a definite  
2 period of time not to exceed 2 calendar years, as determined on  
3 a case-by-case basis, if (i) the student has been convicted of  
4 a violent felony and (ii) the board or, as authorized by board  
5 policy, the superintendent of the district or the principal,  
6 assistant principal, or dean of students of the school  
7 determines that the student's continued presence in school  
8 would have a substantial detrimental effect on the general  
9 welfare of the school. The board may also authorize the  
10 superintendent of the district to immediately refer or transfer  
11 the student to another attendance center or alternative school,  
12 as specified in Article 13A of this Code, if the student has  
13 been charged with a violent felony.

14 The provisions of this subsection (d-10) apply in all  
15 school districts, including special charter districts and  
16 districts organized under Article 34 of this Code.

17 (e) To maintain order and security in the schools, school  
18 authorities may inspect and search places and areas such as  
19 lockers, desks, parking lots, and other school property and  
20 equipment owned or controlled by the school, as well as  
21 personal effects left in those places and areas by students,  
22 without notice to or the consent of the student, and without a  
23 search warrant. As a matter of public policy, the General  
24 Assembly finds that students have no reasonable expectation of  
25 privacy in these places and areas or in their personal effects  
26 left in these places and areas. School authorities may request

1 the assistance of law enforcement officials for the purpose of  
2 conducting inspections and searches of lockers, desks, parking  
3 lots, and other school property and equipment owned or  
4 controlled by the school for illegal drugs, weapons, or other  
5 illegal or dangerous substances or materials, including  
6 searches conducted through the use of specially trained dogs.  
7 If a search conducted in accordance with this Section produces  
8 evidence that the student has violated or is violating either  
9 the law, local ordinance, or the school's policies or rules,  
10 such evidence may be seized by school authorities, and  
11 disciplinary action may be taken. School authorities may also  
12 turn over such evidence to law enforcement authorities. The  
13 provisions of this subsection (e) apply in all school  
14 districts, including special charter districts and districts  
15 organized under Article 34.

16 (f) Suspension or expulsion may include suspension or  
17 expulsion from school and all school activities and a  
18 prohibition from being present on school grounds.

19 (g) A school district may adopt a policy providing that if  
20 a student is suspended or expelled for any reason from any  
21 public or private school in this or any other state, the  
22 student must complete the entire term of the suspension or  
23 expulsion in an alternative school program under Article 13A of  
24 this Code or an alternative learning opportunities program  
25 under Article 13B of this Code before being admitted into the  
26 school district if there is no threat to the safety of students

1 or staff in the alternative program. This subsection (g)  
2 applies to all school districts, including special charter  
3 districts and districts organized under Article 34 of this  
4 Code.

5 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
6 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
7 97-1150, eff. 1-25-13.)

8 (105 ILCS 5/27A-5)

9 Sec. 27A-5. Charter school; legal entity; requirements.

10 (a) A charter school shall be a public, nonsectarian,  
11 nonreligious, non-home based, and non-profit school. A charter  
12 school shall be organized and operated as a nonprofit  
13 corporation or other discrete, legal, nonprofit entity  
14 authorized under the laws of the State of Illinois.

15 (b) A charter school may be established under this Article  
16 by creating a new school or by converting an existing public  
17 school or attendance center to charter school status. Beginning  
18 on the effective date of this amendatory Act of the 93rd  
19 General Assembly, in all new applications submitted to the  
20 State Board or a local school board to establish a charter  
21 school in a city having a population exceeding 500,000,  
22 operation of the charter school shall be limited to one campus.  
23 The changes made to this Section by this amendatory Act of the  
24 93rd General Assembly do not apply to charter schools existing  
25 or approved on or before the effective date of this amendatory



1 Act.

2 (b-5) In this subsection (b-5), "virtual-schooling" means  
3 the teaching of courses through online methods with online  
4 instructors, rather than the instructor and student being at  
5 the same physical location. "Virtual-schooling" includes  
6 without limitation instruction provided by full-time, online  
7 virtual schools.

8 From April 1, 2013 through April 1, 2014, there is a  
9 moratorium on the establishment of charter schools with  
10 virtual-schooling components in school districts other than a  
11 school district organized under Article 34 of this Code. This  
12 moratorium does not apply to a charter school with  
13 virtual-schooling components existing or approved prior to  
14 April 1, 2013 or to the renewal of the charter of a charter  
15 school with virtual-schooling components already approved  
16 prior to April 1, 2013.

17 On or before March 1, 2014, the Commission shall submit to  
18 the General Assembly a report on the effect of  
19 virtual-schooling, including without limitation the effect on  
20 student performance, the costs associated with  
21 virtual-schooling, and issues with oversight. The report shall  
22 include policy recommendations for virtual-schooling.

23 (c) A charter school shall be administered and governed by  
24 its board of directors or other governing body in the manner  
25 provided in its charter. The governing body of a charter school  
26 shall be subject to the Freedom of Information Act and the Open

1 Meetings Act.

2 (d) A charter school shall comply with all applicable  
3 health and safety requirements applicable to public schools  
4 under the laws of the State of Illinois.

5 (e) Except as otherwise provided in the School Code, a  
6 charter school shall not charge tuition; provided that a  
7 charter school may charge reasonable fees for textbooks,  
8 instructional materials, and student activities.

9 (f) A charter school shall be responsible for the  
10 management and operation of its fiscal affairs including, but  
11 not limited to, the preparation of its budget. An audit of each  
12 charter school's finances shall be conducted annually by an  
13 outside, independent contractor retained by the charter  
14 school. Annually, by December 1, every charter school must  
15 submit to the State Board a copy of its audit and a copy of the  
16 Form 990 the charter school filed that year with the federal  
17 Internal Revenue Service.

18 (g) A charter school shall comply with all provisions of  
19 this Article, the Illinois Educational Labor Relations Act, and  
20 its charter. A charter school is exempt from all other State  
21 laws and regulations in the School Code governing public  
22 schools and local school board policies, except the following:

23 (1) Sections 10-21.9 and 34-18.5 of the School Code  
24 regarding criminal history records checks and checks of the  
25 Statewide Sex Offender Database and Statewide Murderer and  
26 Violent Offender Against Youth Database of applicants for

1 employment;

2 (2) Sections 24-24 and 34-84A of the School Code  
3 regarding discipline of students;

4 (3) The Local Governmental and Governmental Employees  
5 Tort Immunity Act;

6 (4) Section 108.75 of the General Not For Profit  
7 Corporation Act of 1986 regarding indemnification of  
8 officers, directors, employees, and agents;

9 (5) The Abused and Neglected Child Reporting Act;

10 (6) The Illinois School Student Records Act;

11 (7) Section 10-17a of the School Code regarding school  
12 report cards; ~~and~~

13 (8) The P-20 Longitudinal Education Data System Act;  
14 and -

15 (9) Subsection (d-10) of Section 10-22.6 of the School  
16 Code regarding students charged with or convicted of a  
17 violent felony.

18 The change made by Public Act 96-104 to this subsection (g)  
19 is declaratory of existing law.

20 (h) A charter school may negotiate and contract with a  
21 school district, the governing body of a State college or  
22 university or public community college, or any other public or  
23 for-profit or nonprofit private entity for: (i) the use of a  
24 school building and grounds or any other real property or  
25 facilities that the charter school desires to use or convert  
26 for use as a charter school site, (ii) the operation and

1 maintenance thereof, and (iii) the provision of any service,  
2 activity, or undertaking that the charter school is required to  
3 perform in order to carry out the terms of its charter.  
4 However, a charter school that is established on or after the  
5 effective date of this amendatory Act of the 93rd General  
6 Assembly and that operates in a city having a population  
7 exceeding 500,000 may not contract with a for-profit entity to  
8 manage or operate the school during the period that commences  
9 on the effective date of this amendatory Act of the 93rd  
10 General Assembly and concludes at the end of the 2004-2005  
11 school year. Except as provided in subsection (i) of this  
12 Section, a school district may charge a charter school  
13 reasonable rent for the use of the district's buildings,  
14 grounds, and facilities. Any services for which a charter  
15 school contracts with a school district shall be provided by  
16 the district at cost. Any services for which a charter school  
17 contracts with a local school board or with the governing body  
18 of a State college or university or public community college  
19 shall be provided by the public entity at cost.

20 (i) In no event shall a charter school that is established  
21 by converting an existing school or attendance center to  
22 charter school status be required to pay rent for space that is  
23 deemed available, as negotiated and provided in the charter  
24 agreement, in school district facilities. However, all other  
25 costs for the operation and maintenance of school district  
26 facilities that are used by the charter school shall be subject

1 to negotiation between the charter school and the local school  
2 board and shall be set forth in the charter.

3 (j) A charter school may limit student enrollment by age or  
4 grade level.

5 (k) If the charter school is approved by the Commission,  
6 then the Commission charter school is its own local education  
7 agency.

8 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
9 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

10 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

11 Sec. 34-19. By-laws, rules and regulations; business  
12 transacted at regular meetings; voting; records. The board  
13 shall, subject to the limitations in this Article, establish  
14 by-laws, rules and regulations, which shall have the force of  
15 ordinances, for the proper maintenance of a uniform system of  
16 discipline for both employees and pupils, and for the entire  
17 management of the schools, and may fix the school age of  
18 pupils, the minimum of which in kindergartens shall not be  
19 under 4 years, except that, based upon an assessment of the  
20 child's readiness, children who have attended a non-public  
21 preschool and continued their education at that school through  
22 kindergarten, were taught in kindergarten by an appropriately  
23 certified teacher, and will attain the age of 6 years on or  
24 before December 31 of the year of the 2009-2010 school term and  
25 each school term thereafter may attend first grade upon

1 commencement of such term, and in grade schools shall not be  
2 under 6 years. It may expel, suspend or, subject to the  
3 limitations of all policies established or adopted under  
4 Section 14-8.05, otherwise discipline any pupil found guilty of  
5 gross disobedience, misconduct or other violation of the  
6 by-laws, rules and regulations, including gross disobedience  
7 or misconduct perpetuated by electronic means, and may expel,  
8 suspend, or transfer pupils as provided in subsection (d-10) of  
9 Section 10-22.6 of this Code. An expelled pupil may be  
10 immediately transferred to an alternative program in the manner  
11 provided in Article 13A or 13B of this Code. A pupil must not  
12 be denied transfer because of the expulsion, except in cases in  
13 which such transfer is deemed to cause a threat to the safety  
14 of students or staff in the alternative program. A pupil who is  
15 suspended in excess of 20 school days may be immediately  
16 transferred to an alternative program in the manner provided in  
17 Article 13A or 13B of this Code. A pupil must not be denied  
18 transfer because of the suspension, except in cases in which  
19 such transfer is deemed to cause a threat to the safety of  
20 students or staff in the alternative program. The bylaws, rules  
21 and regulations of the board shall be enacted, money shall be  
22 appropriated or expended, salaries shall be fixed or changed,  
23 and textbooks, electronic textbooks, and courses of  
24 instruction shall be adopted or changed only at the regular  
25 meetings of the board and by a vote of a majority of the full  
26 membership of the board; provided that notwithstanding any

1 other provision of this Article or the School Code, neither the  
2 board or any local school council may purchase any textbook for  
3 use in any public school of the district from any textbook  
4 publisher that fails to furnish any computer diskettes as  
5 required under Section 28-21. Funds appropriated for textbook  
6 purchases must be available for electronic textbook purchases  
7 and the technological equipment necessary to gain access to and  
8 use electronic textbooks at the local school council's  
9 discretion. The board shall be further encouraged to provide  
10 opportunities for public hearing and testimony before the  
11 adoption of bylaws, rules and regulations. Upon all  
12 propositions requiring for their adoption at least a majority  
13 of all the members of the board the yeas and nays shall be  
14 taken and reported. The by-laws, rules and regulations of the  
15 board shall not be repealed, amended or added to, except by a  
16 vote of 2/3 of the full membership of the board. The board  
17 shall keep a record of all its proceedings. Such records and  
18 all by-laws, rules and regulations, or parts thereof, may be  
19 proved by a copy thereof certified to be such by the secretary  
20 of the board, but if they are printed in book or pamphlet form  
21 which are purported to be published by authority of the board  
22 they need not be otherwise published and the book or pamphlet  
23 shall be received as evidence, without further proof, of the  
24 records, by-laws, rules and regulations, or any part thereof,  
25 as of the dates thereof as shown in such book or pamphlet, in  
26 all courts and places where judicial proceedings are had.

1           Notwithstanding any other provision in this Article or in  
2 the School Code, the board may delegate to the general  
3 superintendent or to the attorney the authorities granted to  
4 the board in the School Code, provided such delegation and  
5 appropriate oversight procedures are made pursuant to board  
6 by-laws, rules and regulations, adopted as herein provided,  
7 except that the board may not delegate its authorities and  
8 responsibilities regarding (1) budget approval obligations;  
9 (2) rule-making functions; (3) desegregation obligations; (4)  
10 real estate acquisition, sale or lease in excess of 10 years as  
11 provided in Section 34-21; (5) the levy of taxes; or (6) any  
12 mandates imposed upon the board by "An Act in relation to  
13 school reform in cities over 500,000, amending Acts herein  
14 named", approved December 12, 1988 (P.A. 85-1418).

15           (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
16 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.  
17 7-13-12.)

18           Section 99. Effective date. This Act takes effect upon  
19 becoming law.